Publication in the Bulletin of information concerning developments relating to the law of the sea emanating from actions and decisions taken by States does not imply recognition by the United Nations of the validity of the actions and decisions in question.

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I. STATUS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Chronological order of ratifications of, and accessions to, the Convention, giving each State's regional group 1/

	Date	State	Regional group
1.	10 December 1982	Fiji	Asian
2.	7 March 1983	Zambia	African
3.	18 March 1983	Mexico	Latin Am./Carib.
4.	21 March 1983	Jamaica	Latin Am./Carib.
5.	18 April 1983	Namibia	African
6.	7 June 1983	Ghana	African
7.	29 July 1983	Bahamas	Latin Am./Carib.
8.	13 August 1983	Belize	Latin Am./Carib.
9.	26 August 1983	Egypt	African
10.	26 March 1984	Côte d'Ivoire	African
11.	8 May 1984	Philippines	Asian
12.	22 May 1984	Gambia	African
13.	15 August 1984	Cuba	Latin Am./Carib.
14.	25 October 1984	Senegal	African
15.	23 January 1985	Sudan	African
16.	27 March 1985	Saint Lucia	Latin Am./Carib.
17.	16 April 1985	Togo	African
18.	24 April 1985	Tunisia	African
19.	30 May 1985	Bahrain	Asian
20.	21 June 1985	Iceland	Western European and Other States
21.	16 July 1985	Mali	African
22.	30 July 1985	Iraq	Asian
23.	6 September 1985	Guinea	African
24.	30 September 1985	United Republic of Tanzania	African
25.	19 November 1985	Cameroon	African
26.	3 February 1986	Indonesia	Asian
27.	25 April 1986	Trinidad and Tobago	Latin Am./Carib.
28.	2 May 1986	Kuwait	Asian
29.	5 May 1986	Yugoslavia	Eastern European
30.	14 August 1986	Nigeria	African
31.	25 August 1986	Guinea-Bissau	African
32.	26 September 1986	Paraguay	Latin Am./Carib.
33.	21 July 1987	Yemen	Asian
34.	10 August 1987	Cape Verde	African
35.	3 November 1987	Sao Tome and Principe	African
36.	12 December 1988	Cyprus	Asian
37.	22 December 1988	Brazil	Latin Am./Carib.
38.	2 February 1989	Antigua and Barbuda	Latin Am./Carib.
39.	17 February 1989	Zaire	African
40.	2 March 1989	Kenya	African
41.	24 July 1989	Somalia	African
42.	17 August 1989	Oman	Asian
43.	2 May 1990	Botswana	African
44.	9 November 1990	Uganda	African
45.	5 December 1990	Angola	African

	Date	State	Regional group
46.	25 April 1991	Grenada	Latin Am./Carib.
47.	29 April 1991	*Micronesia (Federated States of)	Asian
48.	9 August 1991	*Marshall Islands	Asian
49.	16 September 1991	Seychelles	African
50.	8 October 1991	Djibouti	African
51.	24 October 1991	Dominica	Latin Am./Carib.
52.	21 September 1992	Costa Rica	Latin Am./Carib.
53.	10 December 1992	Uruguay	Latin Am./Carib.
54.	7 January 1993	Saint Kitts and Nevis	Latin Am./Carib.

1/ States which have acceded to the Convention are indicated by an asterisk (*).

II. LEGAL INFORMATION RELEVANT TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Treaties

1. Bilateral Treaties

(a) Treaty between the German Democratic Republic and the Kingdom of Denmark on the Delimitation of the Continental Shelf and the Fishery Zones, 14 September 1988

The German Democratic Republic and the Kingdom of Denmark, determined to fix the boundary line of the continental shelf between the two States,

Desirous of fixing simultaneously the boundary line between the fishing zones of the two States,

Intending to develop their bilateral relations and their cooperation in accordance with the principles of the Final Act of the Conference on Security and Cooperation in Europe,

Have agreed as follows:

Article 1

The boundary line between the continental shelf sections and the fishery zones where the German Democratic Republic and the Kingdom of Denmark exercise sovereign rights with regard to the exploration and exploitation of the natural resources follows straight lines (geodetic lines) connecting the following points in the order given below:

point 1.	54° 21′ 53"4 N	11° 40′ 14"7 E
point 2.	54° 22′ 00"5 N	11° 56′ 25"6 E
point 3.	54° 24′ 39"9 N	12° 06′ 43"5 E
point 4.	54° 41′ 15"9 N	12° 26′ 35"7 E
point 5.	54° 45′ 49"7 N	12° 44′ 59"9 E
point 6.	54° 50′ 01"7 N	12° 56′ 02"4 E
point 7.	55° 00′ 30"2 N	13° 08′ 53"1 E
point 8.	54° 57′ 44"8 N	13° 59′ 34"2 E
point 9.	54° 48′ 45"0 N	14° 10′ 22"0 E
point 10.	54° 48′ 45"0 N	14° 24′ 51"0 E
point 11.	54° 39′ 30"0 N	14° 24′ 51"0 E
point 12.	54° 32′ 10"4 N	14° 38′ 12"2 E

The coordinates of the points of the boundary line are given in geographical altitudes and longitudes under the European Datum Coordinate System, first Revision 1950 (E.D. 50).

The boundary line is shown in the chart which is attached to the present Treaty and which forms an integral part thereof.

Article 2

The Contracting Parties intend to contract, with the States concerned, the definitive coordinates of those points of the boundary line between the continental shelf sections and the fishery zones of the German Democratic Republic and the Kingdom of Denmark described in article 1, which intersect the boundary lines between the continental shelf sections and the fishery zones of other States.

Article 3

If natural resources are found to be located on the ocean floor or the subsoil thereof on both sides of the boundary line between the continental shelf sections of the German Democratic Republic and the Kingdom of Denmark, or if such resources are located on the continental shelf section one of the States and can be extracted entirely or in part from the continental shelf section of the other State, the two Contracting Parties shall, prior to the start of the exploitation and at the request of one of the Contracting Parties, enter into negotiations with a view to agreeing on the conditions to govern the exploitation of these natural resources.

Article 4

The provisions of the present Treaty shall not affect the legal status of the waters superjacent to the continental shelf or that of the airspace above these waters.

Article 5

In accordance with Article 102 of the Charter of the United Nations the present Treaty shall be registered with the Secretariat of the United Nations.

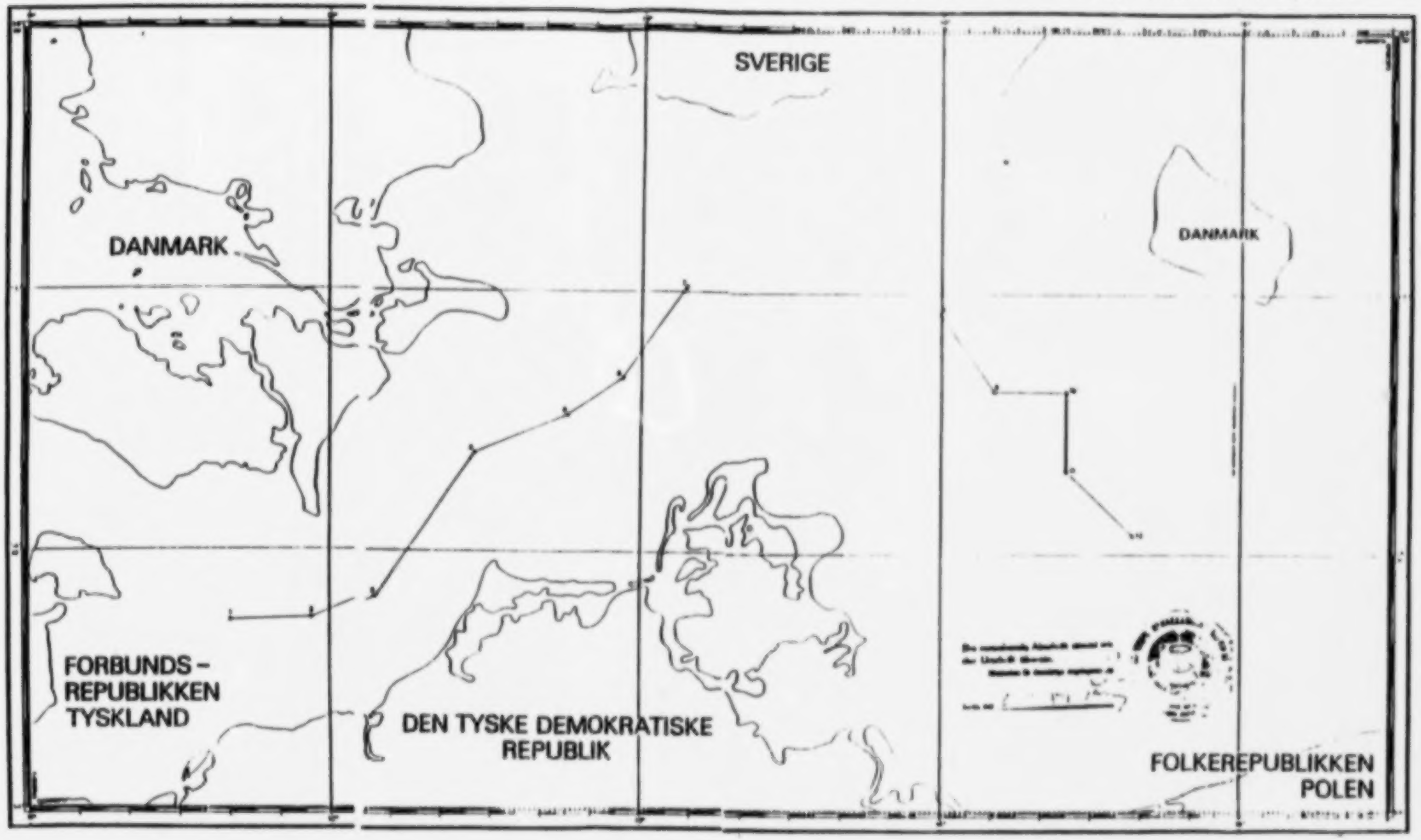
Article 6

The present Treaty is subject to ratification. The exchange of the instruments of ratification shall take place at Copenhagen. The present Treaty shall enter into force on the day of the exchange of the instruments of ratification.

DONE in Berlin on 14 September 1988 in two originals in the German and Danish languages, both texts being equally authentic.

BILAG

Traktat mellem Den Tyske Demokratiske Republik og Kongeriget Danmark om afgrænsningen af kontinentalsoklen og fiskerizonerne 14. Sept. 1988


SVERIGE
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REPUBLIKKEN
TYSKLAND
DEN TYSKE DEMOKRATISKE
REPUBLIK
FOLKEREPUBLIKKEN
POLEN

(b) Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the Democratic People's Republic of Korea concerning the Regime of the Soviet-Korean State Frontier, 3 September 1990

The Government of the Union of Soviet Socialist Republics and the Government of the Democratic People's Republic of Korea, hereinafter referred to as the "Contracting Parties" or the "Parties",

Having regard to the relations of friendship and cooperation existing between the two countries,

On the basis of mutual respect for State sovereignty, independence and autonomy. equality of rights and territorial integrity,

With a view to determining the legal bases for the maintenance of the regime of the Soviet-Korean State frontier and the settlement of any frontier questions that may arise,

Have agreed as follows:

SECTION I

Line of the State frontier, frontier marks and reference marks

Article 1

1. The State frontier between the Union of Soviet Socialist Republics and the Democratic People's Republic of Korea, in accordance with the Agreement between the USSR and the Democratic People's Republic of Korea concerning the Soviet-Korean State frontier line, signed on 17 April 1985, shall begin at the junction of the frontiers of the USSR, the Democratic People's Republic of Korea and the People's Republic of China (point "A"), situated in the middle of the River Tumannaya (Tumen), and runs along the middle of its main channel to a point in the mouth of that river whose geographical coordinates are:

B = 42° 17'34.34" north latitude, L = 130° 41' 49.16" east longitude

From that point the frontier between Soviet and Korean territorial waters in the Sea of Japan (East Korean Sea) shall run in a straight line to the point of its intersection with the line of the outer limit of Soviet and Korean territorial waters, whose geographical coordinates are:

B = 42° 09' north latitude, L = 130° 53' east longitude.

The State frontier between the USSR and the Democratic People's Republic of Korea on the railway bridge known as Friendship Bridge shall coincide vertically with the frontier established along the middle of the main channel of the River Tumannaya (Tumen), and shall run through a point at a distance of 89.1 metres from the beginning of the reinforced concrete span of the bridge on the Soviet side and at a distance of 491.5 metres from the beginning of the metal span of the bridge on the Korean side.

The line of the State frontier between the USSR and the Democratic People's Republic of Korea shall also divide vertically the airspace and the subsoil.

The line of the State frontier in this Agreement shall hereinafter be referred to as the "frontier" or the "frontier line".

2. A detailed description of the course of the State frontier line is set forth in the documents demarcating the Soviet-Korean State frontier from 1986 to 1989.

The demarcation documents are:

The Protocol between the Government of the Union of Soviet Socialist Republics and the Government of the Democratic People's Republic of Korea concerning the demarcation of the Soviet-Korean State frontier, hereinafter referred to as the "Demarcation Protocol";

The 1:25,000 scale map of the State frontier between the Union of Soviet Socialist Republics and the Democratic People's Republic of Korea along the frontier River Tumannaya (Tumen).

The 1:100,000 scale map of the boundary between the territorial waters of the Union of Soviet Socialist Republics and the Democratic People's Republic of Korea;

The 1:10,000 scale plan of the mouth of the River Tumannaya (Tumen);

The protocols concerning frontier and reference marks with plans and sketches, and the other documents referred to in the annexes to the Demarcation Protocol.

Article 2

1. The State frontier between the USSR and the Democratic People's Republic of Korea shall be designated on the spot by 22 frontier marks and 2 reference marks, placed on both banks of the River Tumannaya (Tumen), and on the railway bridge known as Friendship Bridge by a solid red strip 15 cm. wide. At the intersection of the longitudinal axis of the bridge with this strip, a red cross, 3 cm. in diameter against the background of a white circle 10 cm. in diameter, shall be placed.

2. Each frontier mark shall consist of two reinforced concrete posts belonging to the USSR and the Democratic People's Republic of Korea respectively, bearing a single serial number, and the State emblem shall be of the prescribed colour.

The frontier marks shall be numbered downstream from 1 to 22.

On the frontier posts placed in Soviet territory, the State emblem of the USSR shall be affixed on the side facing the Democratic People's Republic of Korea. On the border posts placed in Korean territory, the State emblem of the Democratic People's Republic of Korea shall be affixed on the side facing the USSR.

The posts of the frontier marks placed in the territory of the USSR shall be painted with alternate red and green horizontal stripes.

The posts of the frontier marks placed in the territory of the Democratic People's Republic of Korea shall be painted with blue, white, red, white and blue horizontal stripes.

Protocols and plans and sketches of the frontier marks shall be drawn up.

3. The reference marks shall be made of metal, and shall be equipped with shields for daytime visibility and with an optical lighting device for night-time visibility with fixed sectors of illumination. The shields shall be painted with orange fluorescent paint and shall have a white vertical stripe in the middle.

The front reference marks shall be placed in the territory of the USSR, and the rear reference marks in the territory of the Democratic People's Republic of Korea.

Bronze panels shall be affixed on the front side of the reference marks. The bronze panel of the front reference mark shall bear a representation of the State emblem of the USSR and an appropriate text in Russian, and the bronze panel on the rear reference mark shall bear a representation of the State emblem of the Democratic People's Republic of Korea and an appropriate text in Korean.

A red light on the front reference mark shall warn vessels coming from the Korean side, and a green light shall warn vessels coming from the Soviet side that they are approaching the frontier between the territorial waters of the USSR and those of the Democratic People's Republic of Korea.

A protocol and a plan and sketch of each reference mark shall be drawn up.

4. The location of each frontier post of the front and rear reference marks and of the red stripe on Friendship Bridge marking the frontier line shall be determined by the Demarcation Protocol.

5. On the river section of the State frontier along the River Tumannaya (Tumen), the number of islands and the State to which they belong have been determined by the Demarcation Protocol as follows: one island belongs to the USSR, and 16 islands belong to the Democratic People's Republic of Korea.

Article 3

1. In the event of any natural change which may occur in the main channel of the River Tumannaya (Tumen) in individual sections thereof, the frontier line shall remain unchanged until the Parties agree otherwise.

2. The contracting Parties have agreed that joint checks of the State frontier line between the USSR and the Democratic People's Republic of Korea shall be carried out every 10 years. starting on the date of the entry into force of this Agreement. If the need arises, joint checks shall be carried out at shorter intervals along the entire length of the frontier or on individual sections thereof by agreement between the Parties.

For these purposes, the Contracting Parties shall establish a Joint Commission on a basis of equal footing.

3. In the event that changes are noted in the middle line of the main channel of the River Tumannaya (Tumen) or of individual sections thereof, the Joint Commission shall prepare proposals for adjustments to the frontier line.

4. For those sections of the River Tumannaya (Tumen) in respect of which the Contracting Parties deem it necessary to make changes in the frontier line, the Joint Commission shall draw up new demarcation documents.

5. The Joint commission shall verify the course of the frontier line on the basis of the demarcation documents referred to in article 1, paragraph 2, of this Agreement. If necessary, the Joint Commission shall make proposals regarding changes in the course of the frontier line, resolve questions relating to the placement of additional frontier marks or changes in position of existing frontier marks and prepare the relevant documents.

6. The time and method of joint checks of the course of the frontier line shall be agreed in advance between the Parties.

SECTION II

Maintenance, care and restoration of frontier and reference marks

Article 4

1. The Contracting Parties undertake to maintain the frontier and reference marks placed to designate the frontier, the painted strip on Friendship Bridge and the frontier clearings that the situation, type, shape, dimensions and colour of the

marks and the width and cleanness of the clearings meet all the requirements set forth in the frontier demarcation documents referred to in article 1, paragraph 2, of this Agreement.

2. The maintenance of the frontier and reference marks placed to designate the frontier line shall be shared by the Parties as follows:

> The front reference mark and the frontier posts which are in the territory of the USSR shall be maintained by the Soviet side;
>
> The rear reference mark and those frontier posts which are in the territory of the Democratic People's Republic of Korea shall be maintained by the Korean side.

3. The 15 cm. wide stripe marking the frontier line on the railway bridge known as Friendship Bridge shall be painted during the course of the year alternately by each Party as required.

4. In order to ensure the visibility of frontier and reference marks, the Contracting Parties have agreed that an area with a radius of 2.5 m. around the frontier posts and an area with a radius of 20 m. around the reference marks, as well as frontier clearings extending 5 m. from each frontier post and reference mark to the bank of the river in the direction of the post of that frontier mark or the reference mark of the other Party shall be cleared of trees, bushes and other tall vegetation. The frontier authorities of the Contracting Parties shall be responsible for cleaning the frontier clearings independently.

Article 5

1. The frontier authorities of the Contracting Parties shall be responsible for monitoring and maintaining frontier and reference marks, the painted stripe on Friendship Bridge and the frontier clearings independently in their own territory.

Once every two years the frontier authorities of the Parties shall carry out joint surveys of the frontier and reference marks, and the painted stripe on Friendship Bridge and the frontier clearings. The Frontier Commissioners of the Parties shall agree each time on when to begin the joint survey.

2. The Frontier Commissioners of the Parties shall draw up a report in two copies, each in the Russian and Korean languages, on the results of the joint survey.

3. If it becomes necessary to make an additional joint survey of the frontier and reference marks or of the frontier clearings, the Frontier Commissioner of one Party shall inform the Frontier Commissioner of the other Party in writing to that effect. The additional joint survey shall take place no later than 10 days following the date of receipt of such notification.

Article 6

1. If frontier posts and reference marks are lost, destroyed or damaged, they shall be restored as soon as possible by the frontier authorities of the Party to which they have been assigned in accordance with article 4 of this Agreement. The frontier authorities of one Contracting Party shall notify the frontier authorities of the other Contracting Party in writing when the work is to begin, such notification to be given not later than 10 days before the work is to begin.

2. The restoration of frontier posts, reference marks and the painted stripe on Friendship Bridge shall be carried out in accordance with the demarcation documents. The results of the restoration work shall be checked on the spot by competent specialists, using the control measurements with the participation of representatives of the frontier authorities of the Parties.

3. If frontier marks or individual frontier posts are lost, damaged or destroyed, they may, if necessary, be moved from their previous locations, provided that the course of the frontier line remains unchanged, and they may be re-erected in places where their safety is assured. Any such changes in the location of frontier marks shall be made by agreement between the Frontier Commissioners of the two Parties.

4. The frontier authorities of the Contracting Parties shall draw up reports in two copies, each in the Russian and Korean languages, on any restoration work on frontier and reference marks.

For each frontier mark or individual post of a frontier mark moved to a new location, a new protocol shall be drawn up for the mark, as well as a plan and sketch of its location: these shall be drawn up in two copies in accordance with the Demarcation Protocol and shall be annexed thereto.

5. Work to repair damaged frontier posts and reference marks shall be carried out independently by each Party without the participation of representatives of the frontier authorities of the other Party.

6. The Contracting Parties shall take steps to protect the railway bridge known as Friendship Bridge and the frontier and reference marks and shall prosecute persons found guilty of moving, damaging or destroying them.

SECTION III

Regulations governing the crossing of the State frontier

Article 7

1. Nationals of one Contracting Party may enter, depart from, pass through in transit and temporarily stay in the territory of the other Contracting Party by virtue of valid travel documents issued by the competent organs of the State of which they are nationals under the conditions laid down in the Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the Democratic People's Republic of Korea on the travel of their nationals between the two States of 22 January 1986 and the additional agreed documents annexed thereto.

2. Railway service personnel of the Parties shall be permitted to cross the State frontier and stay within the confines of the frontier railway station or the designated staging area between the frontier stations on the basis of the Frontier Railway Agreement between the Ministry of Communications of the USSR and the Ministry of Communications of the Democratic People's Republic of Korea, concluded on 18 December 1953, and the additional agreed documents annexed thereto.

Article 8

1. Nationals and means of transport of the Contracting Parties may cross the frontier only at crossing points opened by the Parties for international and bilateral traffic and when in possession of the requisite documents.

2. The Contracting Parties shall have the right, for health or other reasons, temporarily to impose a full or partial ban on the crossing of the State frontier by nationals and means of transport of both Parties. The Parties shall immediately inform each other when restrictions on frontier crossings are imposed.

Article 9

In the event of a fire or other natural disaster near the frontier, fire-fighting teams or other rescue groups may cross the frontier at any time of the day or night by virtue of lists certified by the Frontier Commissioners or deputy Frontier Commissioners of the Parties, or of identity documents. The place and specific time of crossings by such groups in both directions shall be agreed upon between the Frontier Commissioners of the Contracting Parties.

Article 10

The Parties have agreed that simplified regulations for State frontier crossings by nationals living in localities in the frontier zone will be determined in a separate agreement between the Contracting Parties.

Article 11

Regulations governing rail communications and the use of other means of communication crossing the frontier, shall be established in separate agreements between the Contracting Parties.

Article 12

Persons crossing the frontier from the territory of one Party at an established crossing point who are not in possession of the requisite documents affording them the right to enter the territory of the other Party shall be returned to the territory from which they have crossed.

SECTION IV

Prevention of the illegal crossing of the State frontier

Article 13

The following are guilty of violations of the State frontier between the USSR and the Democratic People's Republic of Korea:

Persons crossing or trying to cross the State frontier by any method other than at the frontier crossing points, or at frontier crossing points but in violation of the regulations for crossing, as well as persons boarding or trying to board vehicles used on routes crossing the frontier with a view to illegal departure across the frontier;

Civilian vessels and naval vessels entering the territorial or internal waters without the permission of the competent organs of the Parties or in violation of the established regulations for entry into those waters;

Aircraft and other air vehicles crossing the State frontier without the requisite authorization of the competent organs of the Parties or committing other violations of the regulations governing overflight of State frontiers;

Crossing the State frontier by any other technical or other means without the authorization of the competent organs of the Parties or in violation of the established regulations also constitutes a violation of the State frontier.

Article 14

1. With a view to protecting the common State interests of both countries, the frontier authorities of the Contracting Parties shall take the necessary steps to prevent the illegal crossing of the frontier and shall inform the Frontier Commissioner of the other Party accordingly. In the event that those guilty of violations cross from the territory of one Party to the territory of the other Party, the Frontier Commissioner of the first Party shall inform the Frontier Commissioner of the other Party accordingly. The latter shall take steps to ensure the timely handing over of the offenders to the territory of the Party from which they crossed.

2. If a Party detaining a person who has illegally crossed the frontier finds it necessary to carry out further investigations, it may detain that person for the time

required to carry out such investigations, after informing the Frontier Commissioner of the other Party of the detention.

3. Such persons shall be handed over in daytime only by the Frontier Commissioners or their deputies. The Frontier Commissioners or their deputies shall agree in each case on the time for handing over such persons. By mutual agreement, they shall establish forms to be filled out when such persons are handed over.

4. Persons who have unintentionally made an illegal frontier crossing, on foot or in a vehicle, and the vehicles and property belonging to such persons held in the territory of one of the Contracting Parties shall be handed over as soon as possible to the frontier authorities of the other Party.

Neither of the Parties has the right to refuse to accept the return of such persons, vehicles and property.

5. Persons who have illegally crossed the border need not be handed over to the other Party if:

They are nationals of the Party which has detained them;

In addition to having crossed the State frontier illegally, they have another offence under the laws of the Party which has detained them.

6. If persons who have illegally crossed the frontier are not handed over for the reasons specified in paragraph 5, or cannot be handed over forthwith for any other reason, the Frontier Commissioner of the other Party shall be notified.

7. Persons who have illegally crossed the State frontier and committed other offences shall be handed over to the frontier authorities of the Party of which they are nationals after serving their sentence.

SECTION V

Regulations governing the use of frontier waters and economic activities on the State frontier

Article 15

For the purposes of this Agreement, the term "frontier waters" means the section of the River Tumannaya (Tumen) along which the line of the State frontier between the USSR and the Democratic People's Republic of Korea runs. On the frontier River Tumannaya (Tumen), the Contracting Parties shall have equal rights to the use of the waters for economic and household purposes. The Contracting Parties shall take appropriate measures to ensure that, in the use of the frontier waters, the rights to the use of those waters set out in this Agreement are observed and respected.

Article 16

The frontier authorities of the Contracting Parties shall, if necessary, on a reciprocal basis and in good time, exchange information on the water level and ice condition of the river, if such information can serve the purpose of averting the dangers posed by flooding or drifting ice.

Article 17

Vessels of both Contracting Parties may navigate in frontier waters only up to the State frontier line, and shall not be permitted to anchor on the State frontier line, or to tie up to the piers of the railway bridge known as Friendship Bridge, except when there are exceptional circumstances (accidents).

Article 18

Vessels of the Contracting Parties may tie up to the other Party's river bank in the event of exceptional circumstances (accidents, natural disasters, etc.). In such cases the Frontier Commissioner of the other Party shall be notified as soon as possible.

Article 19

The frontier authorities of the Contracting Parties shall provide all possible assistance and aid to nationals of both countries in the event of natural phenomena (flooding, drifting ice, etc.). Such measures shall be carried out by agreement between the frontier authorities of the Parties.

Article 20

If unidentified objects or animal carcasses are discovered in frontier waters or on the banks of the river, the frontier authorities of the Parties shall take measures to establish the ownership thereof. Property belonging to the other Party shall, as a rule, be handed over during daylight hours in accordance with the prescribed forms and with the prior agreement of the Frontier Commissioners.

Article 21

1. If human corpses are discovered in frontier waters or on the banks of the river, the identity thereof shall, if necessary, be established jointly by representatives of the frontier authorities of both Parties. The Frontier Commissioners or their deputies may, after agreeing together in advance, carry out the necessary investigations *in situ* to resolve such cases. The Frontier Commissioner of the Party in whose territory the corpse was found shall direct such investigations.

2. Appropriate reports shall be drawn up concerning the results of such investigations.

3. Joint investigations *in situ* shall not be regarded as actions falling within the competence of the judicial or administrative authorities of either Party.

Article 22

1. Nationals of the Contracting Party may fish in its waters only up to the State frontier line and in accordance with regulations in force in their territory. The use of explosive, poisonous or narcotic substances, and of other methods involving the large-scale destruction of fish and damage to fish stocks is prohibited.

2. Questions relating to the preservation and breeding of fish in frontier waters and other measures concerning fishing shall be regulated by separate agreements between the Contracting Parties.

Article 23

The frontier authorities of the Contracting Parties shall ensure that the regulations relating to the hunting of wild animals and birds in their territory are strictly observed near the frontier line and that, while hunting is being carried on, shooting in the direction of the frontier or the pursuit of animals and birds across the frontier are prohibited.

Article 24

1. In areas adjacent to the frontier line, the Contracting Parties shall so conduct their industrial and agricultural operations, forestry and mining as not to harm the economic interests of the other Contracting Party.

2. The economic activities of one Contracting Party must not have a harmful effect on the other Party's environment.

3. If there is a danger of the spread of forest and agricultural pests, the frontier authorities of the Contracting Party in whose territory such pests have appeared shall immediately inform the frontier authorities of the other Contracting Party and shall take all measures within their power to prevent the spread of the pests across the frontier. The frontier authorities of the other Contracting Party shall offer all possible assistance in the implementation of such measures.

Article 25

Blasting or other operations near the frontier in connection with the shifting of rocks and soil may be carried out only after prior notification to the frontier authorities of the other Party, not less than two days in advance. During such operations, precautionary measures must be taken to prevent injury or damage to nationals and property of the other Party.

Article 26

1. The condition and direction of the main channel of the frontier River Tumannaya (Tumen) shall, as far as possible, be kept unchanged. In this connection, neither Contracting Party may change the natural flow of the water in the main channel and in places submerged at high water, to the detriment of the other Party, by building hydroelectric or other installations which may affect the hydraulics of the current.

2. Dykes and other installations in the frontier waters may be maintained and operated, with the exception of those which have the negative effect of changing the water regime and the removal of which is deemed necessary by the Contracting Parties.

3. The construction on the frontier River Tumannaya (Tumen) of new bridges, dams, dykes and other hydroelectric installations and their use in each individual case shall be permitted only by mutual agreement between the Contracting Parties.

4. The Parties shall agree on the regulations governing drainage into and out of the frontier river, and all other questions relating to the regime of the frontier waters. If it is necessary re-equip or remove installations and this involves changes in the water level by the river bank of the other Party, the work may be begun only after that Party has given its consent.

5. Individual sections of the channel of the river shall be cleared where the Parties jointly deem it necessary. When the channel of the river is being cleared, the soil dredged must be dumped at specifically designated spots, and care must be taken to ensure that there is no caving in of the banks of contamination of the channel of the river and no obstruction to the flow of the water at high water.

6. The Parties shall take the necessary measures to prevent wilful damage to the banks of the frontier river, pollution of its channel during the repair and technical servicing of the railway bridge, and the poisoning of the river water by chemical substances or pollution with untreated sewage, as well as contamination by any other means.

7. In the even that, through the fault of one of the Contracting Parties, material loss is caused to the other Contracting Party as a result of a failure to comply with the provisions of articles 23, 24, 25 and 26 of this Agreement, compensation for that loss shall be paid by the Party which caused it.

Article 27

The Contracting Parties shall, when necessary, conclude separate agreements on questions relating to the preservation of forests, waters and other natural resources in the frontier area and their economic exploration and to the control of forest and agricultural pests.

Article 28

Questions relating to the frontier regime between the territorial waters of the USSR and the Democratic People's Republic of Korea shall be regulated by the provisions of this Agreement, and by the relevant legislation of the Contracting Parties.

SECTION VI

Rights and obligations of Frontier Commissioners and regulations governing their work

Article 29

The frontier authorities referred to in this Agreement shall be the Frontier Commissioners of the Union of Soviet Socialist Republics and of the Democratic People's Republic of Korea and their deputies.

Article 30

1. The Government of the USSR and the Government of the Democratic People's Republic of Korea, for the purpose of resolving questions relating to the maintenance of the State frontier regime and any frontier questions which may arise, shall appoint one Frontier Commissioner and two deputy Frontier Commissioners. Each Contracting Party shall communicate the names of the Frontier Commissioners and their deputies to the other Party through the diplomatic channel. A deputy shall enjoy the same rights as a Frontier Commissioner when acting in the capacity of representative of his Party.

2. The Frontier Commissioners of the Parties shall have the right to appoint one assistant each, as well as the necessary number of secretaries and interpreters, and when necessary, to call in competent experts.

3. The assistants to the Frontier Commissioners shall carry out the specific instructions of the Frontier Commissioners relating to the maintenance of order on the frontier.

Article 31

1. The sectors in charge of the Frontier Commissioners of the Parties shall be the sector of the State frontier from the junction of the frontiers of the USSR, the Democratic People's Republic of Korea and the People's Republic of China (point "A") on the River Tumannaya (Tumen) to a point in the Sea of Japan (east Korean Sea) whose geographical coordinates are 42°09′ north latitude and 130° 53′ east longitude.

2. The permanent place of residence of the Frontier Commissioner of the USSR shall be in the village of Posyet, and that of the Frontier Commissioner of the Democratic People's Republic of Korea shall be in the town of Najin.

Article 32

1. Written credentials, in the Russian and Korean languages, shall be issued:

To the Frontier Commissioner of the USSR and his deputies, by the officer commanding the frontier forces of the USSR;

To the Frontier Commissioner of the Democratic People's Republic of Korea and his deputies, by the Head of the Central Command of the frontier forces of the Democratic People's Republic of Korea;

To assistants, by the Frontier Commissioners of the Parties.

2. The Frontier Commissioners of the Parties shall communicate to each other the permanent place of residence of their deputies and assistants.

Article 33

1. Within the limits of the rights and obligations established in this Agreement, the Frontier Commissioners of the Parties shall take measures to ensure the proper maintenance and upkeep of the State frontier and compliance with the regulations governing passage across it, to prevent the illegal crossings of the frontier, and to ensure compliance with regulations governing the use of frontier waters and economic activities on the State frontier.

2. With a view to the prompt and optimal settlement of frontier questions, Frontier Commissioners of the Parties shall be obliged to carry out investigations and take steps in the following cases:

Firing across the frontier;

The killing or wounding of nationals, and the infliction of bodily harm or other injury to their health as a result of actions across the frontier, and violent actions against persons in the territory of the other Party;

The illegal crossing of the frontier by individuals;

The violation of the frontier by river or maritime vessels, boats and rafts, and the crossing of the frontier by aircraft outside the air corridors for overflight established by special agreements;

The movement of cattle and other domestic animals across the frontier;

The moving, damaging, destruction and loss of frontier marks or of individual frontier posts marking the fronter line;

The spread of natural disasters across the frontier to the territory of the other Party;

Illegal forms of communication across the frontier;

The movement of contraband goods across the frontier;

The theft, destruction or damaging of State and other property in the frontier zone of the other Party;

The large-scale movement of agricultural pests across the frontier;

Other violations on the frontier.

3. The Frontier Commissioners of the Parties shall formulate measures to ensure compliance with the frontier regime by the inhabitants of localities in the frontier zone for the joint control of smuggling and the proper maintenance of frontier and reference marks and frontier clearings, and to provide warnings of the consequences of flooding or drifting ice on the frontier river.

4. The Frontier Commissioners of the Parties shall exchange information regarding violations of the State frontier and matters relating to the passage of people and vehicles across the frontier and timely warnings to avert the consequences of flooding and drifting ice.

5. The Frontier Commissioners of the Parties shall consider and take action on all questions referred to in the relevant articles of this Agreement which relate to

claims for compensation in respect of damage caused to either of the Parties as a result of the violation of the frontier regime by nationals, organizations or authorities of the other Party.

Decisions relating to compensation for damages shall be subject to approval by the competent organs of the Parties.

Article 34

1. The Frontier Commissioners of the Parties may, on their own initiative, refer matters relating to serious incidents at the frontier (homicide or the infliction of serious bodily harm) and other particularly serious cases for settlement through the diplomatic channel, after notifying the Frontier Commissioners of the other Party.

In such cases the Frontier Commissioners of both Parties shall jointly make the necessary inquiries and record the results in a report.

2. Matters which have not been settled between the Frontier Commissioners of the Parties shall be referred for settlement through the diplomatic channel.

Nothing in this article shall preclude reference back to the Frontier Commissioners of matters discussed through the diplomatic channel.

Article 35

1. Formal meetings of the Frontier Commissioners shall be held alternately in the territory of the two Parties. For each meeting, minutes shall be drawn up briefly indicating the proceedings of the meeting, the decisions taken and the time-limits for their implementation.

The minutes of the meetings shall be drawn up in two copies, each in the Russian and Korean languages, and shall bear the signatures of the Frontier Commissioners and their official seals.

2. Individual matters may be settled by direct correspondence between the Frontier Commissioners or through other means of communication, unless either Frontier Commissioner insists that such matters be dealt with at a formal meeting.

3. The first formal meeting of the Frontier Commissioners shall take place not later than three months following the date of the entry into force of this Agreement.

Article 36

1. Formal or informal meetings of the Frontier Commissioners and their deputies shall take place at the request of one of them and if possible at the time mentioned in the request. The reply to the request shall be given not later than two days after its receipt. If the date proposed for the meeting is unacceptable, another date shall be proposed in the reply.

2. If the Frontier Commissioner of one Party requests a formal or informal meeting, the Frontier Commissioner of the other Party must attend in person, unless he is absent for a valid reason (illness, official travel or leave). In such a case the Frontier Commissioner shall be replaced by his deputy, and the Frontier Commissioner of the other Party shall be so notified in good time.

3. By agreement between the Frontier Commissioners, informal meetings may take place between their assistants.

Article 37

1. The formal and informal meetings referred to in article 36 of this Agreement shall be held in the territory of the Party on whose initiative the meeting has been convened.

2. Formal or informal meetings shall be presided over by the Frontier Commissioner of the Party in whose territory they are held, or by his deputy.

3. The agenda of a formal meeting may be agreed upon through negotiations, an exchange of letters or other means. In exceptional circumstances, items not on the agenda may be dealt with by mutual consent.

Article 38

The Frontier Commissioners of the Parties, their deputies and assistants shall inform each other as soon as possible of the measures taken with regard to matters on which decisions were previously adopted at formal or informal meetings.

Decisions taken by the Frontier Commissioners or their deputies on matters relating to the violation of the frontier regime shall enter into force at the time of the signing of the report on the matter concerned.

Decisions taken by assistants at informal meetings shall enter into force after they have been confirmed by the Frontier Commissioners.

Article 39

1. Frontier Commissioners and their deputies and assistants shall cross the frontier to perform their official functions, by virtue of the written credentials provided for in this Agreement (annexes 1 and 2*).

2. Secretaries, interpreters and service personnel shall cross the frontier by virtue of passes issued by the Frontier Commissioner of their Party. The passes shall bear a photograph, the seal and the signature of the holder, as well as the seal and signature of the Frontier Commissioner of the other Party (annex 3).

3. Experts and other persons whose presence is required for the clarification of any matter may cross the frontier by virtue of a pass valid for a single frontier crossing in each direction. The pass shall be issued by the Frontier Commissioner of one Party, and shall be signed and sealed by the Frontier Commissioner of the other Party (annex 4).

4. The Frontier Commissioners of the Parties shall sign the documents indicated in paragraphs 2 and 3 of this article not later than three days after such documents have been submitted to them.

5. The persons referred to in this article shall cross the frontier only at the points established by the Frontier Commissioners. The frontier authorities of the other Party shall give notice in good time, at least 12 hours in advance, of the date and time of the crossing of the State frontier.

6. If a pass for crossing the frontier is lost, its holder must immediately inform the frontier authorities, who shall in turn inform the frontier authorities of the other Contracting Party.

The Frontier Commissioners of the two Parties shall keep each other informed of the cancellation of such pass for crossing the frontier.

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* Annexes not attached to this Agreement.

From the time the Frontier Commissioner is notified, a lost pass shall be considered invalid. In the event that a lost pass is subsequently found, it shall be returned to the frontier authorities of the Party which issued it.

Article 40

The Contracting Parties shall defray all the costs incurred in the implementation of this Agreement in their territory. The costs related to the holding of formal and informal meetings shall be borne by the Party in whose territory they are convened.

Article 41

The following meeting-points shall be established for the exchange of correspondence and the reception and handing over of persons and property: in the territory of the USSR, the village of Khasan; and in the territory of the Democratic People's Republic of Korea, the workers' settlement of Tumangan.

The Frontier Commissioners or their deputies shall agree on the time and place for each such transfer.

Frontier Commissioners may, by mutual agreement, establish additional meeting-points on the frontier.

Correspondence shall be accepted at any time of the day or night, including holidays and other non-working days.

Article 42

1. The Frontier Commissioners and the other persons referred to in article 39 of this Agreement shall be guaranteed immunity for their persons and for official documents and property in their possession. They shall be entitled to wear a uniform when crossing the frontier.

2. Such persons may not take with them anything other than the means of transport and materials required for their work, which will be admitted on condition that they will subsequently be re-exported, as well as such food and tobacco as are needed for their personal consumption.

Such materials and food shall be taken across the frontier free of customs duties and other charges.

Article 43

Each Contracting Party shall grant to persons of the other Party who are in its territory in connection with the performance of obligations under this Agreement, any necessary assistance, in particular with regard to accommodation, transport and communications facilities.

SECTION VII

Final provisions

Article 44

Any questions which may arise regarding the interpretation or application of the provisions of this Agreement shall be settled through consultations in a spirit of friendship, mutual respect and understanding.

Article 45

This Agreement shall remain in force for a period of 10 years from the date of its entry into force. If neither of the Contracting Parties has announced its desire to terminate the Agreement six months before its expiry, it shall remain in force for successive periods of 10 years.

Article 46

With effect from the date of the entry into force of this Agreement, the Convention between the Government of the Union of Soviet Socialist Republics and the Government of the Democratic People's Republic of Korea on the regime for the settlement of frontier questions, of 14 October 1957, shall cease to have effect.

Article 47

This Agreement is subject to ratification and shall enter into force on the date of the exchange of the instruments of ratification.

The exchange of the instruments of ratification shall take place at Moscow as soon as possible.

DONE at Pyongyang, on 3 September 1990, in duplicate in the Russian and Korean languages, both texts being equally authentic.

2. Regional treaties

(a) Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, 11 February 1992

The Parties to this Convention:

Recognizing that anadromous stocks in the North Pacific Ocean originate primarily in the waters of Canada, Japan, the Russian Federation and the United States of America;

Recognizing that these stocks intermingle in certain areas of the North Pacific Ocean;

Recognizing that States in whose waters anadromous stocks originate have the primary interest in and responsibility for such stocks;

Recognizing that fisheries for anadromous stocks should be conducted only in waters within 200 nautical miles of the baselines from which the breadth of the territorial sea is measured;

Recognizing that States of origin of anadromous stocks make expenditures and forego economic development opportunities to establish favourable conditions to conserve and manage those stocks;

Emphasizing the importance of scientific research for the conservation of anadromous stocks in the North Pacific Ocean;

Desiring to promote the acquisition, analysis and dissemination of scientific information pertaining to anadromous stocks and ecologically related species in the North Pacific Ocean;

Desiring to coordinate efforts to conserve anadromous stocks in the North Pacific Ocean; and

Desiring to establish an effective mechanism of international cooperation to promote the conservation of anadromous stocks in the North Pacific Ocean;

Have agreed as follows:

ARTICLE I

The area to which this Convention applies, hereinafter referred to as the "Convention Area", shall be the waters of the North Pacific Ocean and its adjacent seas, north of 33 degrees North Latitude beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. It is understood that activities under this Convention, for scientific purposes, may extend farther southward in the North Pacific Ocean and its adjacent seas in areas beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

ARTICLE II

For the purposes of this Convention:

1. "Anadromous fish" means the fish of anadromous species listed in Part I of the Annex which migrate into the Convention Area, and "anadromous stocks" means the stocks thereof;

2. "Fish" means fin fish, mollusks, crustaceans and all other forms of marine animal and plant life other than marine mammals and birds;

3. "Fishing" means:

(a) the catching, taking or harvesting of fish, or any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish; or

(b) any operation at sea in preparation for or in direct support of any activity described in subparagraph (a) above;

4. "Directed fishing" means fishing targeted at a particular species or stock of fish;

5. "Incidental taking" means catching, taking or harvesting a species or stock of fish while conducting directed fishing for another species or stock of fish;

6. "Ecologically related species" means living marine species which are associated with anadromous stocks found in the Convention Area, including but not restricted to both predators and prey of anadromous stocks;

7. "Original Parties" means those States listed in paragraph 1 of article XVII of this Convention, so long as such States are Parties to this Convention.

ARTICLE III

1. In the Convention Area:

(a) directed fishing for anadromous fish shall be prohibited;

(b) incidental taking of anadromous fish shall be minimized to the maximum extent practicable in accordance with Part II of the Annex;

(c) the retention on board a fishing vessel of anadromous fish taken as an incidental taking in a fishing activity directed at non-anadromous fish shall be prohibited and any such anadromous fish shall be returned immediately to the sea.

2. The provisions of paragraph 1 of this article shall not apply to fishing for scientific research purposes in accordance with article VII of this Convention.

3. The Parties shall take appropriate measures, individually and collectively, in accordance with international law and their respective domestic laws, to prevent trafficking in anadromous fish taken in violation of the prohibitions provided for in this Convention, and to penalize persons involved in such trafficking.

ARTICLE IV

1. The Parties agree to invite the attention of any State or entity not party to this Convention to any matter relating to the fishing activities of its nationals, residents or vessels which could affect adversely the conservation of anadromous stocks within the Convention Area.

2. The Parties agree to encourage any State or entity not party to this Convention to adopt laws and regulations consistent with the provisions of this Convention in regard to fishing operations conducted by its nationals, residents or vessels and to cooperate in the attainment of the objectives of this Convention.

3. Each Party shall take appropriate measures aimed at preventing vessels registered under its laws and regulations from transferring their registration for the purpose of avoiding compliance with the provisions of this Convention.

4. The Parties shall cooperate in taking action, consistent with international law and their respective domestic laws, for the prevention by any State or entity not party to this Convention of any directed fishing for, and the minimization by such

State or entity of any incidental taking of, anadromous fish by nationals, residents or vessels of such State or entity in the Convention Area.

ARTICLE V

1. Each Party shall take all necessary measures to ensure that its nationals and fishing vessels flying its flag comply with the provisions of this Convention.

2. Any Party may enforce the provisions of this Convention within the Convention Area in accordance with the following:

(a) The duly authorized officials of any Party may board vessels of the other Parties which can be reasonably believed to be engaged in directed fishing for or incidental taking of anadromous fish to inspect equipment, logs, documents, catch and other articles and question the persons on board for the purpose of carrying out the provisions of this Convention.

Such inspections and questioning shall be made so that the vessels suffer the minimum interference and inconvenience. Such officials shall present credentials issued by their respective Governments if requested by the master of the vessel.

(b) When any such person or vessel is actually engaged in operations in violation of the provisions of this Convention, or there is reasonable ground to believe was obviously so engaged prior to boarding of such vessel by any such official, the latter may arrest or seize such person or vessel and further investigate the circumstances if necessary. The Party to which the official belongs shall notify promptly the Party to which such person or vessel belongs of such arrest or seizure, and shall deliver such person or vessel as promptly as practicable to the authorized officials of the Party to which such person or vessel belongs at a place to be agreed upon by both Parties. Provided, however, that when the Party which receives such notification cannot immediately accept delivery, the notifying Party may maintain such arrest or seizure within the Convention Area, or within any convenient port which has been previously identified by the notifying Party in a communication to the other Parties to this Convention and to which there has been no objection within sixty (60) days of receipt of the communication, until the authorized officials of the Party to which such person or vessel belongs accept delivery.

(c) When the Party which receives such notification accepts delivery, the authorized officials of that Party shall conduct the investigations necessary to obtain the evidence needed for appropriate actions, including but not limited to trial, with respect to the offence. They shall also take, for the remainder of the relevant fishing season, immediate action as necessary to ensure that the person or vessel concerned is prevented from conducting further operations in violation of the provisions of this Convention. The action taken may include the placement of an enforcement official on board the vessel, restriction of the area in which the vessel is permitted to operate, or exclusion of the vessel from the Convention Area.

(d) Only the authorities of the Party to which the above-mentioned person or vessel belongs may try the offence and impose penalties therefor. The witnesses and evidence necessary for establishing the offence, so far as they are under the control of any of the Parties to this Convention, shall be furnished as promptly as possible to the Party having jurisdiction to try the offence and shall be taken into account, and utilized as appropriate by the executive authority of that Party having jurisdiction to try the offence. Penalties provided for in the relevant laws and regulations of the Parties to this Convention shall be commensurate with the serious nature of the infractions, taking into account the proposals made by the Commission pursuant to paragraph 3 of article IX.

3. The parties shall take appropriate measures to ensure that their fishing vessels allow and assist boarding and inspections of such vessels carried out in accordance with the provisions of paragraph 2 of this article by the duly authorized officials of any party, and cooperate in such enforcement action as may be undertaken.

ARTICLE VI

1. The Parties shall cooperate in the exchange of information on any activities contrary to the provisions of this Convention.

2. The Parties shall cooperate in the exchange of information on enforcement action regarding anadromous fish taken contrary to the provisions of this Convention, and on the disposition of cases.

3. The Parties shall cooperate to exchange information regarding any directed fishing for and any incidental taking of anadromous fish in the Convention Area by nationals, residents and vessels of any State or entity not party to this Convention.

ARTICLE VII

1. The Parties shall cooperate in the conduct of scientific research in the North Pacific Ocean and its adjacent seas beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, for the purpose of the conservation of anadromous stocks including, as appropriate, scientific research on other ecologically related species.

2. With respect to fisheries and scientific research in the Convention Area, the Parties shall cooperate, as appropriate, in collecting, reporting and exchanging biostatistical information, fisheries data, including catch and fishing effort statistics, biological samples and other relevant data pertinent to the purposes of this Convention.

3. Notwithstanding the provisions of article I, the Parties shall provide the Commission, upon its request, catch information, enhancement information, materials such as biological samples and other technical data or information related to anadromous stocks and ecologically related species, pertaining to areas adjacent to the Convention Area from which anadromous stocks migrate into the Convention Area.

4. The Parties shall develop appropriate cooperation programmes, including scientific observer programmes, to collect fishing information in the Convention Area for the purpose of scientific research on anadromous stocks and, as appropriate, ecologically related species.

5. The Parties shall endeavour to cooperate in scientific exchanges such as seminars, workshops and, as appropriate, exchanges of scientific personnel necessary to achieve the objectives of this Convention.

6. The Parties shall submit to the Commission scientific research programmes to be conducted by their nationals or vessels involving directed fishing for, or incidental takes of significant levels of, anadromous fish in the Convention Area sufficiently in advance of the conduct of such research to allow appropriate scientific review by all Parties. If all Parties that are States of origin, except for the requesting Party, notify the Commission within thirty (30) days of their receipt of the programme from the Commission that they regard the fishing involved in such programme to be a violation of paragraph 1 (a) or (b) of article III, the programme shall not be implemented pending a decision by the Commission.

7. The Parties agree that the taking of anadromous fish for scientific research purposes must be consistent with the needs of a scientific programme and with the

provisions of this Convention. The catches of anadromous fish taken in conjunction with any scientific research in the Convention Area should be reported to the Commission within nine months.

ARTICLE VIII

1. There is hereby established an international organization that shall be known as the North Pacific Anadromous Fish Commission, hereinafter referred to as the "Commission."

2. The objective of the Commission is to promote the conservation of anadromous stocks in the Convention Area.

3. The Commission may consider matters related to the conservation of ecologically related species in the Convention Area.

4. The Commission shall have legal personality and shall enjoy in its relations with other international organizations and in the territories of the Parties such legal capacity as may be necessary to perform its functions and achieve its ends. The immunities and privileges which the Commission and its officers shall enjoy in the territory of a Party shall be subject to agreement between the Commission and the Party concerned.

5. The headquarters of the Commission shall be located at Vancouver, Canada, or at such other location as may be decided by the Commission.

6. The official languages of the Commission shall be English, Japanese and Russian.

7. Each Party shall be a member of the Commission and may appoint to the Commission not more than three representatives who may be accompanied at the meetings of the Commission by experts and advisers.

8. The Commission shall establish such subordinate bodies as it deems necessary.

9. The Commission shall establish a Secretariat composed of an Executive Director and appropriate staff.

10. Each Party shall have one vote in the Commission.

    (a) Decisions of the Commission on all important matters shall be taken by consensus among all Parties that are States of origin of anadromous stocks which migrate into the Convention Area.

    (b) Decisions of the Commission on all other matters shall be taken by a simple majority of the votes of all Parties casting affirmative or negative votes.

    (c) A matter shall be deemed to be important if any Party that is a State of origin of anadromous stocks which migrate into the Convention Area considers it to be important.

11. The Commission shall elect a President and a Vice-President, each of whom shall serve for a term of two years. They shall be eligible for re-election, provided that they shall not serve for more than four years in succession in each office. The President and the Vice-President shall not be representatives of the same Party.

12. The President of the Commission shall convene the regular annual meeting of the Commission at the headquarters of the Commission or at such other location as may be decided by the Commission.

13. The Commission shall meet at least once annually, the time and place to be determined by the Commission.

14. Any meeting of the Commission other than the regular annual meeting may be called by the President at such time and place as the President may determine, upon the request of a Party with the concurrence of another Party, provided that at least one of these two Parties is one of the Original Parties.

15. The Commission shall adopt its financial rules.

ARTICLE IX

The Commission shall have the authority to:

(1) Recommend to the Parties measures for the conservation of anadromous stocks and ecologically related species in the Convention Area;

(2) Promote the exchange of information on any activities contrary to the provisions of this Convention, especially with respect to fishing for and trafficking in anadromous fish contrary to the provisions of article III, as well as on responsive action taken by the Parties and, as appropriate, by any State or entity not party to this Convention;

(3) Consider and make proposals to the Parties for the enactment of schedules of equivalent penalties for activities contrary to the provisions of this Convention;

(4) Consider possible means to relieve the damage which may be suffered by a State of origin as a result of fishing in violation of this Convention and, for that purpose, develop methods to identify the origin of fish which may be taken in violation of this Convention;

(5) Review and evaluate enforcement actions taken by the Parties in accordance with article V, and recommend additional action to be taken by the Parties to ensure effective and diligent enforcement of the provisions of this Convention;

(6) Promote the exchange of catch and effort information in respect of activities of Parties and, as appropriate, any State or entity not party to this Convention for conducting scientific research and for coordinating the collection, exchange and analysis of scientific data regarding anadromous stocks and ecologically related species, including data to identify the location of origin of anadromous stocks, and provide a forum for cooperation among the Parties with respect to such anadromous stocks and ecologically related species;

(7) Consider and make proposals to the Parties for the enactment of a programme or certificates of origin attesting that products of anadromous fish are from fish which were lawfully harvested;

(8) Make recommendations to any Party with respect to scientific research activities within the Convention Area related to anadromous stocks and, as appropriate, ecologically related species;

(9) Cooperate, as appropriate, with relevant international organizations, _inter alia_, to obtain the best available information, including scientific advice, to further the attainment of the objectives of this Convention;

(10) Where appropriate, invite any State or entity not party to this Convention to consult with the Commission with respect to matters relating to the conservation of anadromous stocks and ecologically related species in the Convention Area;

(11) Recommend amendments to this Convention and to the Annex to this Convention;

(12) Recommend to the Parties any measures needed to further the attainment of the objectives of this Convention.

ARTICLE X

1. The Executive Director shall be appointed by the Commission and shall oversee the work of the Secretariat.

2. The Secretariat shall:

(a) provide administrative services to the Commission;

(c) compile and disseminate statistics and reports concerning anadromous stocks relevant to this Convention and ecologically related species; and

(c) perform such functions as follow from other provisions of this Convention or as the Commission may determine.

3. The conditions of employment of the Executive Director and staff shall be determined by the Commission.

4. The Executive Director shall appoint the Secretariat staff in accordance with staffing requirements approved by the Commission.

ARTICLE XI

1. Each Party shall pay the expenses incurred by its representatives, experts and advisers. Expenses incurred by the Commission shall be paid by the Commission through contributions made by the Parties.

2. The Commission shall adopt an annual budget. The Executive Director shall transmit a draft budget to the Parties together with a schedule of contributions not later than sixty (60) days before the meeting of the Commission at which the budget is to be considered.

3. The budget shall be divided equally among the Parties.

4. The Executive Director shall notify each Party of its contribution. Contributions shall be paid not later than four months after the date of such notification, in the currency of the State in which the Commission headquarters are located.

5. A Party which has not paid its contributions for two consecutive years shall not be entitled to participate in the taking of decisions referred to in paragraph 10 of article VIII until it has fulfilled its obligations.

6. The financial affairs of the Commission shall be audited annually by external auditors to be selected by the Commission.

ARTICLE XII

1. Any Party may at any time propose an amendment to this Convention other than the Annex.

2. If one third of the Parties request a meeting to discuss the proposed amendment referred to in paragraph 1 of this article, the Depositary shall call such a meeting.

3. An amendment shall enter into force when the Depositary has received instruments of ratification, acceptance or approval thereof from all Parties.

ARTICLE XIII

1. The Annex to this Convention shall form an integral part of this Convention. All references to this Convention shall be understood as including the Annex.

2. The Annex to this Convention shall be considered amended upon the acceptance by the Governments of all Parties that are States of origin of anadromous stocks which migrate into the Convention Area of a proposed amendment to the Annex recommended by the Commission in accordance with paragraph 11 of article IX.

(a) An amendment to the Annex shall enter into force for Parties that are States of origin of anadromous stocks which migrate into the Convention Area on the date upon which the Commission receives notification from all such Parties of their acceptance of the amendment.

(b) In the event that a Party that is not a State of origin has accepted an amendment to the Annex by the date referred to in subparagraph (a), it shall enter into force for that Party on that date. If a Party that is not a State of origin accepts an amendment to the Annex after the date referred to in subparagraph (a), it shall enter into force for that Party on the date upon which the Commission receives notification of its acceptance of the amendment.

3. The Commission shall notify all the Parties of the date of receipt of each notification of acceptance of an amendment to the Annex.

ARTICLE XIV

Any Party may withdraw from this Convention twelve (12) months after the date on which it formally notifies the Depositary of its intention to withdraw.

ARTICLE XV

Nothing in this Convention shall be deemed to prejudice the positions or views of any Party with respect to its rights and obligations under treaties and other international agreements to which it is party as well as its positions or views with respect to matters relating to the law of the sea.

ARTICLE XVI

The original of this Convention shall be deposited with the Government of the Russian Federation, which shall be the Depositary. The Depositary shall transmit certified copies thereof to all other signatories and acceding States.

ARTICLE XVII

1. This Convention shall be open for signature by Canada, Japan, the Russian Federation and the United States of America, which are the major States of origin of anadromous stocks which migrate into the Convention Area.

2. This Convention is subject to ratification, acceptance or approval by these four States in accordance with their respective internal legal procedures, and will enter into force ninety (90) days after the date of deposit of the fourth instrument of ratification, acceptance or approval.

ARTICLE XVIII

After the entry into force of this Convention, at the invitation of the Original Parties by unanimous agreement, other States may accede to it. This Convention shall become effective for any such other State on the date of deposit of that State's instrument of accession.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Moscow, on the eleventh day of February, 1992, in a single original, in the English, French, Japanese and Russian languages, each text being equally authentic.

ANNEX

I. SPECIES

Chum salmon	_Oncorhynchus keta_
Coho salmon	_Oncorhynchus kisutch_
Pink salmon	_Oncorhynchus gorbuscha_
Sockeye salmon	_Oncorhynchus nerka_
Chinook salmon	_Oncorhynchus tshawytscha_
Cherry salmon	_Oncorhynchus masou_
Steelhead trout	_Oncorhyncuss mykiss_

II. INCIDENTAL TAKING

1. Fisheries for non-anadromous fish shall be conducted in such times, areas and manners as to minimize the incidental taking of anadromous fish to the maximum extent practicable to reduce such incidental taking to insignificant levels.

2. When two or more Parties notify the Commission established under article VIII that they believe a fishery is being conducted by national or vessels of a Party in the Convention Area contrary to this Annex, the Commission shall convene a special meeting to consider the matter as soon as possible. The Parties who have notified the Commission shall be responsible for presenting the information on which they based such notification. The Party whose nationals or vessels are conducting the fishery in question shall be responsible for demonstrating that the fishery is not being conducted contrary to this Annex.

If the Commission decides that a satisfactory demonstration has not been made, the fishery shall be suspended until it is demonstrated that the fishery will be conducted consistent with this Annex.

(b) Convention on the Protection of the Black Sea against Pollution, 21 April 1992

The Contracting Parties,

Determined to act with a view to achieve progress in the protection of the marine environment of the Black Sea and in the conservation of its living resources,

Conscious of the importance of the economic, social and health values of the marine environment of the Black Sea,

Convinced that the natural resources and amenities of the Black Sea can be preserved primarily through joint efforts of the Black Sea countries,

Taking into account the generally accepted rules and regulations of international law,

Having in mind the principles, customs and rules of general international law regulating the protection and preservation of the marine environment and the conservation of the living resources thereof,

Taking into account the relevant provisions of the Convention on Prevention of Marine Pollution by Dumping of Wastes and Other Matter of 1972 as amended; the International Convention on Prevention of Pollution from Ships of 1973 as modified by the Protocol of 1978 relating thereto as amended; the Convention on Control of Transboundary Movement of Hazardous Wastes and Their Disposal of 1989 and the International Convention on Oil Pollution Preparedness, Response and Cooperation of 1990,

Recognizing the significance of the principles adopted by the Conference on Security and Cooperation in Europe,

Taking into account their interest in the conservation, exploitation and development of the bio-productive potential of the Black Sea,

Bearing in mind that the Black Sea coast is a major international resort area where Black Sea countries have made large investments in public health and tourism,

Taking into account the special hydrological and ecological characteristics of the Black Sea and the hypersensitivity of its flora and fauna to changes in the temperature and composition of the sea water,

Noting that pollution of the marine environment of the Black Sea also emanates from land-based sources in other countries of Europe, mainly through rivers,

Reaffirming their readiness to cooperate in the preservation of the marine environment of the Black Sea and the protection of its living resources against pollution,

Noting the necessity of scientific, technical and technological cooperation for the attainment of the purposes of the Convention,

Noting that existing international agreements do not cover all aspects of pollution of the marine environment of the Black Sea emanating from third countries, Realizing the need for close cooperation with competent international organizations based on a concerted regional approach for the protection and enhancement of the marine environment of the Black Sea,

Have agreed as follows:

Article I
Area of application

1. This Convention shall apply to the Black Sea proper with the southern limit constituted for the purposes of this Convention by the line joining Capes Kelagra and Dalyan.

2. For the purposes of this Convention the reference to the Black Sea shall include the territorial sea and exclusive economic zone of each Contracting Party in the Black Sea. However, any Protocol to this Convention may provide otherwise for the purposes of that Protocol.

Article II
Definitions

For the purposes of this Convention:

1. "Pollution of the marine environment" means the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazard to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities.

2. (a) "Vessel" means seaborne craft of any type. This expression includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft, whether self-propelled or not, and platforms and other man-made structures at sea;

   (b) "Aircraft" means airborne craft of any type.

3. (a) "Dumping" means:

   (i) any deliberate disposal of wastes or other matter from vessels or aircraft;

   (ii) any deliberate disposal of vessels or aircraft;

   (b) "Dumping" does not include:

   (i) the disposal of wastes or other matter incidental to or derived from the normal operations of vessels or aircraft and their equipment, other than wastes or other matter transported by or to vessels or aircraft operating for purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels or aircraft;

   (ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Convention.

4. "Harmful substance" means any hazardous, noxious or other substance, the introduction of which into the marine environment would result in pollution or

adversely affect the biological processes due to its toxicity and/or persistence and/or bioaccumulation characteristics.

Article III
General provisions

The Contracting Parties take part in this Convention on the basis of full equality in rights and duties, respect for national sovereignty and independence, non-interference in their internal affairs, mutual benefit and other relevant principles and norms of international law.

Article IV
Sovereign immunity

This Convention does not apply to any warship, naval auxiliary or other vessels or aircraft owned or operated by a State and used, for the time being, only on government non-commercial service.

However, each Contracting Party shall ensure, by the adoption of appropriate measures not impairing operations of such vessels or aircraft owned or operated by it, that such vessels or aircraft act in a manner consistent, so far as is practicable, with this Convention.

Article V
General undertakings

1. Each Contracting Party shall ensure the application of the Convention in those areas of the Black Sea where it exercises its sovereignty as well as its sovereign rights and jurisdiction without prejudice to the rights and obligations of the Contracting Parties arising from the rules of international law.

Each Contracting Party, in order to achieve the purposes of this Convention, shall bear in mind the adverse effect of pollution within its internal waters on the marine environment of the Black Sea.

2. The Contracting Parties shall take individually or jointly, as appropriate, all necessary measures consistent with international law and in accordance with the provisions of this Convention to prevent, reduce and control pollution thereof in order to protect and preserve the marine environment of the Black Sea.

3. The Contracting Parties will cooperate in the elaboration of additional Protocols and Annexes other than those attached to this Convention, as necessary for its implementation.

4. The Contracting Parties, when entering bilateral or multilateral agreements for the protection and preservation of the marine environment of the Black Sea, shall endeavour to ensure that such agreements are consistent with this Convention. Copies of such agreements shall be transmitted to the other Contracting Parties through the Commission as defined in article XVII of this Convention.

5. The Contracting Parties will cooperate in promoting, within international organizations found to be competent by them, the elaboration of measures contributing to the protection and preservation of the marine environment of the Black Sea.

Article VI
Pollution by hazardous substances and matter

Each Contracting Party shall prevent pollution of the marine environment of the Black Sea from any source by substances or matter specified in the Annex to this Convention.

Article VII
Pollution from land-based sources

The Contracting Parties shall prevent, reduce and control pollution of the marine environment of the Black Sea from land-based sources, in accordance with the Protocol on the Protection of the Black Sea Marine Environment Against Pollution from Land-based Sources which shall form in integral part of this Convention.

Article VIII
Pollution from vessels

The Contracting Parties shall take individually or, when necessary, jointly, all appropriate measures to prevent, reduce and control pollution of the marine environment of the Black Sea from vessels in accordance with generally accepted international rules and standards.

Article IX
Cooperation in combating pollution in emergency situations

The Contracting Parties shall cooperate in order to prevent, reduce and combat pollution of the marine environment of the Black Sea resulting from emergency situations in accordance with the Protocol on Cooperation in Combating Pollution of the Black Sea by Oil and Other Harmful Substances in Emergency Situations which shall form an integral part of this Convention.

Article X
Pollution by dumping

1. The Contracting Parties shall take all appropriate measures and cooperate in preventing, reducing and controlling pollution caused by dumping in accordance with the Protocol on the Protection of the Black Sea Marine Environment Against Pollution by Dumping which shall form an integral part of this Convention.

2. The Contracting Parties shall not permit, within areas under their respective jurisdiction, dumping by natural or juridical persons of non-Black Sea States.

Article XI
Pollution from activities on the continental shelf

1. Each Contracting Party shall, as soon as possible, adopt laws and regulations and take measures to prevent, reduce and control pollution of the marine environment of the Black Sea caused by or connected with activities on its continental shelf, including the exploration and exploitation of the natural resources of the continental shelf.

The Contracting Parties shall inform each other through the Commission of the laws, regulations and measures adopted by them in this respect.

2. The Contracting Parties shall cooperate in this field, as appropriate, and endeavour to harmonize the measures referred to in paragraph 1 of this article.

Article XII
Pollution from or through the atmosphere

The Contracting Parties shall adopt laws and regulations and take individual or agreed measures to prevent, reduce and control pollution of the marine environment of the Black Sea from or through the atmosphere, applicable to the airspace above their territories and to vessels flying their flag or vessels and aircraft registered in their territory.

Article XIII
Protection of the marine living resources

The Contracting Parties, when taking measures in accordance with this Convention for the prevention, reduction and control of the pollution of the marine environment of the Black Sea, shall pay particular attention to avoiding harm to marine life and living resources, in particular by changing their habitats and creating hindrance to fishing and other legitimate uses of the Black Sea, and in this respect shall give due regard to the recommendations of competent international organizations.

Article XIV
Pollution by hazardous wastes in transboundry movement

The Contracting Parties shall take all measures consistent with international law and cooperate in preventing pollution of the marine environment of the Black Sea due to hazardous wastes in transboundary movement, as well as in combating illegal traffic thereof, in accordance with the Protocol to be adopted by them.

Article XV
Scientific and technical cooperation and monitoring

1. The Contracting Parties shall cooperate in conducting scientific research aimed at protecting and preserving the marine environment of the Black Sea and shall undertake, where appropriate, joint programmes of scientific research, and exchange relevant scientific data and information.

2. The Contracting Parties shall cooperate in conducting studies aimed at developing ways and means for the assessment of the nature and extent of pollution and of its effect on the ecological system in the water column and sediments, detecting polluted areas, examining and assessing risks and finding remedies, and in particular, they shall develop alternative methods of treatment, disposal, elimination or utilization of harmful substances.

3. The Contracting Parties shall cooperate through the Commission in establishing appropriate scientific criteria for the formulation and elaboration of rules, standards and recommended practices and procedures for the prevention, reduction and control of pollution of the marine environment of the Black Sea.

4. The Contracting Parties shall, inter alia, establish through the Commission and, where appropriate, in cooperation with international organizations they consider to be competent, complementary or joint monitoring programmes covering all sources of pollution and shall establish a pollution monitoring system for the Black Sea including, as appropriate, programmes at the bilateral or multilateral level for observing, measuring, evaluating and analysing the risks or effects of pollution of the marine environment of the Black Sea.

5. When the Contracting Parties have reasonable grounds for believing that activities under their jurisdiction or control may cause substantial pollution or significant and harmful changes to the marine environment of the Black Sea,

they shall, before commencing such activities, assess their potential effects on the basis of all relevant information and monitoring data and shall communicate the results of such assessments to the Commission.

6. The Contracting Parties shall cooperate, as appropriate, in the development, acquisition and introduction of clean and low-waste technology, inter alia, by adopting measures to facilitate the exchange of such technology.

7. Each Contracting Party shall designate the competent national authority responsible for scientific activities and monitoring.

Article XVI
Responsibility and liability

1. The Contracting Parties are responsible for the fulfilment of their international obligations concerning the protection and the preservation of the marine environment of the Black Sea.

2. Each Contracting Party shall adopt rules and regulations on the liability for damage caused by natural or juridical persons to the marine environment of the Black Sea in areas where it exercises, in accordance with international law, its sovereignty, sovereign rights or jurisdiction.

3. The Contracting Parties shall ensure that recourse is available in accordance with their legal systems for prompt and adequate compensation or other relief for damage caused by pollution of the marine environment of the Black Sea by natural or juridical persons under their jurisdiction.

4. The Contracting Parties shall cooperate in developing and harmonizing their laws, regulations and procedures relating to liability, assessment of and compensation for damage caused by pollution of the marine environment of the Black Sea, in order to ensure the highest degree of deterrence and protection for the Black Sea as a whole.

Article XVII
The Commission

1. In order to achieve the purposes of this Convention, the Contracting Parties shall establish a Commission on the Protection of the Black Sea Against Pollution, hereinafter referred to as "the Commission".

2. Each Contracting Party shall be represented in the Commission by one Representative who may be accompanied by Alternate Representatives, Advisers and Experts.

3. The Chairmanship of the Commission shall be assumed by each Contracting Party, in turn, in the alphabetical order of the English language. The first Chairman of the Commission shall be the Representative of the Republic of Bulgaria.

The Chairman shall serve for one year, and during his term he cannot act in the capacity of Representative of this country. Should the Chairmanship fall vacant, the Contracting Party chairing the Commission shall appoint a successor to remain in office until the term of its Chairmanship expires.

4. The Commission shall meet at least once a year. The Chairman shall convene extraordinary meetings upon the request of any Contracting Party.

5. Decisions and recommendations of the Commission shall be adopted unanimously by the Black Sea States.

6. The Commission shall be assisted in its activities by a permanent Secretariat. The Commission shall nominate the Executive Director and other officials of the Secretariat. The Executive Director shall appoint the technical staff in accordance with the rules to be established by the Commission. The Secretariat shall be composed of nationals of all Black Sea States.

The Commission and the Secretariat shall have their headquarters in Istanbul. The location of the headquarters may be changed by the Contracting Parties by consensus.

7. The Commission shall adopt its Rules of Procedure for carrying out its functions, decide upon the organization of its activities and establish subsidiary bodies in accordance with the provisions of this Convention.

8. Representatives, Alternate Representatives, Advisers and Experts of the Contracting Parties shall enjoy in the territory of the respective Contracting Party diplomatic privileges and immunities in accordance with international law.

9. The privileges and immunities of the officials of the Secretariat shall be determined by agreement among the Contracting Parties.

10. The Commission shall have such legal capacity as may be necessary for the exercise of its functions.

11. The Commission shall conclude a Headquarters Agreement with the host Contracting Party.

Article XVIII
Functions of the Commission

The Commission shall:

1. Promote the implementation of this Convention and inform the Contracting Parties of its work.

2. Make recommendations on measures necessary for achieving the aims of this Convention.

3. Consider questions relating to the implementation of this Convention and recommend such amendments to the Convention and to the Protocols as may be required, including amendments to Annexes of this Convention and the Protocols.

4. Elaborate criteria pertaining to the prevention, reduction and control of pollution of the marine environment of the Black Sea and to the elimination of the effects of pollution, as well as recommendations on measures to this effect.

5. Promote the adoption by the Contracting Parties of additional measures needed to protect the marine environment of the Black Sea, and to that end receive, process and disseminate to the Contracting Parties relevant scientific, technical and statistical information and promote scientific and technical research.

6. Cooperate with competent international organizations, especially with a view to developing appropriate programmes or obtaining assistance in order to achieve the purposes of this Convention.

7. Consider any questions raised by the Contracting Parties.

8. Perform other functions as foreseen in other provisions of this Convention or assigned unanimously to the Commission by the Contracting Parties.

Article XIX
Meetings of the Contracting Parties

1. The Contracting Parties shall meet in conference upon recommendation by the Commission. They shall also meet in conference within ten days at the request of the Contracting party.

2. The primary function of the meetings of the Contracting Parties shall be the review of the implementation of this Convention and of the Protocols upon the report of the Commission.

3. A non-Black Sea State which accedes to this Convention may attend the meetings of the Contracting Parties in an advisory capacity.

Article XX
Adoption of amendments to the Convention and/or to the Protocols

1. Any Contracting Party may propose amendments to the articles of this Convention.

2. Any Contracting Party to this Convention may propose amendments to any Protocol.

3. Any such proposed amendment shall be transmitted to the depositary and communicated by it through diplomatic channels to all the Contracting Parties and to the Commission.

4. Amendments to this Convention and to any Protocol shall be adopted by consensus at a Diplomatic Conference of the Contracting Parties to be convened within 90 days after the circulation of the proposed amendment by the depositary.

5. The amendments shall enter into force 30 days after the depositary has received notifications of acceptance of these amendments from all Contracting Parties.

Article XXI
Annexes and amendments to Annexes

1. Annexes to this Convention or to any Protocol shall form an integral part of the Convention or such Protocol, as the case may be.

2. Any Contracting Party may propose amendments to the Annexes to this Convention or to the Annexes of any Protocol through its Representative in the Commission. Such amendments shall be adopted by the Commission on the basis of consensus. The depositary, duly informed by the Chairman of the Commission of its decision, shall without delay communicate the amendments so adopted to all the Contracting Parties. Such amendments shall enter into force 30 days after the depositary has received notifications of acceptance from all Contracting Parties.

3. The provisions of paragraph 2 of this article shall apply to the adoption and entry into force of a new Annex to this Convention or to any Protocol.

Article XXII
Notification of entry into force of amendments

The depositary shall inform, through diplomatic channels, the Contracting Parties of the date on which amendments adopted under articles XX and XXI enter into force.

Article XXIII
Financial rules

The Contracting Parties shall decide upon all financial matters on the basis of unanimity, taking into account the recommendations of the Commission.

Article XXIV
Relation to other international instruments

Nothing in this Convention shall affect in any way the sovereignty of States over their territorial sea, established in accordance with international law, and the sovereign rights and the jurisdiction which States have in their exclusive economic zones and their continental shelf in accordance with international law, and the exercise by ships and aircraft of navigational rights and freedoms as provided for in international law and as reflected in relevant international instruments.

Article XXV
Settlement of disputes

In case of a dispute between Contracting Parties concerning the interpretation and implementation of this Convention, they shall seek a settlement of the dispute through negotiations or any other peaceful means of their own choice.

Article XXVI
Adoption of additional Protocols

1. At the request of a Contracting Party or upon a recommendation by the Commission, a Diplomatic Conference of the Contracting Parties may be convened with the consent of all Contracting Parties in order to adopt additional Protocols.

2. Signature, ratification, acceptance, approval, accession to, entry into force, and denunciation of additional Protocols shall be done in accordance with procedures contained, respectively, in articles XXVIII, XXIX, and XXX of this Convention.

Article XXVII
Reservations

No reservations may be made to this Convention.

Article XXVIII
Signature, ratification, acceptance, approval and accession

1. This Convention shall be open for signature by the Black Sea States.

2. This Convention shall be subject to ratification, acceptance or approval by the States which have signed it.

3. This Convention shall be open for accession by any non-Black Sea State interested in achieving the aims of this Convention and contributing substantially to the protection and preservation of the marine environment of

the Black Sea provided the said State has been invited by all Contracting Parties. Procedures with regard to the invitation for accession will be dealt with by the depositary.

4. The instruments of ratification, acceptance, approval or accession shall be deposited with the depositary. The depositary of this Convention shall be the Government of Romania.

Article XXIX
Entry into force

This Convention shall enter into force 60 days after the date of deposit with the depositary of the fourth instrument of ratification, acceptance or approval.

For a State acceding to this Convention in accordance with article XXVIII, the Convention shall enter into force 60 days after the deposit of its instrument of accession.

Article XXX
Denunciation

After the expiry of five years from the date of entry into force of this Convention, any Contracting Party may, by written notification addressed to the depositary, denounce this Convention. The denunciation shall take effect on the thirty-first day of December of the year which follows the year in which the depositary was notified of the denunciation.

DONE in English, on the twenty-first day of the month of April of one thousand nine hundred and ninety two, in Bucharest.

ANNEX

1. Organotin compounds.
2. Organohalogen compounds, e.g. DDT, DDE, DDD, PCBs.
3. Persistent organophosphorus compounds.
4. Mercury and mercury compounds.
5. Cadmium and cadmium compounds.
6. Persistent substances with proven toxic, carcinogenic, teratogenic or mutagenic properties.
7. Used lubricating oils.
8. Persistent synthetic materials which may float, sink or remain in suspension.
9. Radioactive substances and wastes, including used radioactive fuel.
10. Lead and lead compounds.

PROTOCOL ON PROTECTION OF THE BLACK SEA MARINE ENVIRONMENT AGAINST POLLUTION FROM LAND-BASED SOURCES

Article 1

In accordance with article VII of the Convention, the Contracting Parties shall take all necessary measures to prevent, reduce and control pollution of the marine environment of the Black Sea caused by discharges from land-based sources on their territories such as rivers, canals, coastal establishments, other artificial structures, outfall or run-off, or emanating from any other land-based source, including through the atmosphere.

Article 2

For the purposes of this Protocol, the fresh-water limit means the landward part of the line drawn between the endpoints on the right and the left banks of a watercourse where it reaches the Black Sea.

Article 3

This Protocol shall apply to the Black Sea as defined in article I of the Convention and to the waters landward of the baselines from which the breadth of the territorial sea is measured, and in the case of fresh-water courses, up to the fresh-water limit.

Article 4

The Contracting Parties undertake to prevent and eliminate pollution of the marine environment of the Black Sea from land-based sources by substances and matter listed in Annex I to this Protocol.

The Contracting Parties undertake to reduce and, whenever possible, to eliminate pollution of the marine environment of the Black Sea from land-based sources by substances and matter listed in Annex II to this Protocol.

As to watercourses that are tributaries to the Black Sea, the Contracting Parties will endeavour to cooperate, as appropriate, with other States in order to achieve the purposes set forth in this article.

Article 5

Pursuant to the provisions of article XV of the Convention, each Contracting Party shall carry out, at the earliest possible date, monitoring activities in order to assess the levels of pollution, its sources and ecological effects along its coast, in particular with regard to the substances and matter listed in Annexes I and II to this Protocol. Additional research will be conducted upstream of river sections in order to investigate fresh/salt water interactions.

Article 6

In conformity with article XV of the Convention, the Contracting Parties shall cooperate in elaborating common guidelines, standards or criteria dealing with special characteristics of marine outfall and in undertaking research on specific requirements for effluents necessitating separate treatment and concerning the quantities of discharged substances and matter listed in Annexes I and II, their concentration in effluents, and methods of discharging them.

The common emission standards and timetable for the implementation of the programme and measures aimed at preventing, reducing or eliminating, as appropriate, pollution from land-based sources shall be fixed by the Contracting Parties and periodically reviewed for substances and matter listed in Annexes I and II to this Protocol.

The Commission shall define pollution prevention criteria as well as recommend appropriate measures to reduce, control and eliminate pollution of the marine environment of the Black Sea from land-based sources.

The Contracting Parties shall take into consideration the following:

(a) The discharge of water from municipal sewage systems should be made in such a way as to reduce the pollution of the marine environment of the Black Sea.

(b) The pollution load of industrial wastes should be reduced in order to comply with the accepted concentrations of substances and matter listed in Annexes I and II to this Protocol.

(c) The discharge of cooling water from nuclear power plants or other industrial enterprises using large amounts of water should be made in such a way as to prevent pollution of the marine environment of the Black Sea.

(d) The pollution load from agricultural and forest areas affecting the water quality of the marine environment of the Black Sea should be reduced in order to comply with the accepted concentrations of substances and matter listed in Annexes I and II to this Protocol.

Article 7

The Contracting Parties shall inform one another through the Commission of measures taken, results achieved or difficulties encountered in the application of this Protocol. Procedures for the collection and transmission of such information shall be determined by the Commission.

ANNEX I
Hazardous substances and matter

The following substances or groups of substances or matter are not listed in order of priority. They have been selected mainly on the basis of their toxicity, persistence and bioaccumulation characteristics.

This Annex does not apply to discharges which contain substances and matter listed below that are below the concentration limits defined jointly by the Contracting Parties, not exceeding environmental background concentrations.

1. Organotin compounds.
2. Organohalogen compounds, e.g. DDT, DDE, DDD, PCBs.
3. Persistent organophosphorus compounds.
4. Mercury and mercury compounds.
5. Cadmium and cadmium compounds.
6. Persistent substances with proven toxic, carcinogenic, teratogenic or mutagenic properties.
7. Used lubricating oils.
8. Persistent synthetic materials which may float, sink or remain in suspension.
9. Radioactive substances and wastes, including used radioactive fuel.
10. Lead and lead compounds.

ANNEX II
Noxious substances and matter

The following substances and matter have been selected mainly on the basis of criteria used in Annex I, while taking into account the fact that they are less harmful or more readily rendered harmless by natural processes.

The control and strict limitation of the discharges of substances and matter referred to in this Annex shall be implemented in accordance with Annex III to this Protocol.

1. Biocides and their derivatives not covered in Annex I.
2. Cyanides, fluorides, and elemental phosphorus.
3. Pathogenic micro-organisms.
4. Non-biodegradable detergents and their surface-active substances.
5. Alkaline or acid compounds.
6. Thermal discharges.
7. Substances which, although of a non-toxic nature, may become harmful to the marine biota owing to the quantities in which they are discharged, e.g. inorganic phosphorus, nitrogen, organic matter and other nutrient compounds. Also substances which have an adverse effect on the oxygen content in the marine environment.
8. The following elements and their compounds:

    Zinc
    Copper
    Nickel
    Chromium
    Selenium
    Arsenic
    Antimony
    Molybdenum
    Titanium
    Tin
    Barium
    Beryllium
    Boron
    Uranium
    Vanadium
    Cobalt
    Thallium
    Tellurium
    Silver

9. Crude oil and hydrocarbons of any origin.

ANNEX III

The discharges of substances and matter listed in Annex II to this Protocol shall be subject to restrictions based on the following:

1. Maximum permissible concentrations of the substances and matter immediately before the outlet;

2. Maximum permissible quantity (load, inflow) of the substances and matter per annual cycle or shorter time limit;

3. In case of differences between 1 and 2 above, the stricter restriction should apply.

When issuing a permit for the discharge of wastes containing substances and matter referred to in Annexes I and II to this Protocol, the national authorities will take particular account, as the case may be, of the following factors:

A. CHARACTERISTICS AND COMPOSITION OF THE WASTE

1. Type and size of waste source (e.g. industrial process).
2. Type of waste (origin, average composition).
3. Form of waste (solid, liquid, sludge, slurry).
4. Total amount (volume discharged. e.g. per year).
5. Discharge pattern (continuous, intermittent, seasonally variable, etc.).
6. Concentrations with respect to major constituents, substances listed in Annex I, substances listed in Annex II, and other harmful substances as appropriate.
7. Physical, chemical and biological properties of the waste.

B. CHARACTERISTICS OF WASTE CONSTITUENTS WITH RESPECT TO THEIR HARMFULNESS

1. Persistence (physical, chemical, biological) in the marine environment.
2. Toxicity and other harmful effects.
3. Accumulation in biological materials and sedimnts.
4. Biochemical transformation producing harmful compounds.
5. Adverse effects on the oxygen contents and balance.
6. Susceptibility to physical, chemical and biochemical changes and interaction in the marine environment with other sea-water constituents which may produce harmful biological or other effects on any of the uses listed in section E below.

PROTOCOL ON COOPERATION IN COMBATING POLLUTION OF THE BLACK SEA MARINE ENVIRONMENT BY OIL AND OTHER HARMFUL SUBSTANCES IN EMERGENCY SITUATIONS

Article 1

In accordance with article IX of the Convention, the Contracting Parties shall take necessary measures and cooperate in cases of grave and imminent danger to the marine environment of the Black Sea or to the coast of one or more of the Parties due to the presence of massive quantities of oil or other harmful substances resulting from accidental causes or from accumulation of small discharges which are polluting or constituting a threat of pollution.

Article 2

The Contracting Parties shall endeavour to maintain and promote, either individually or through bilateral or multilateral cooperation, contingency plans for combating pollution of the sea by oil and other harmful substances. These shall include, in particular, equipment, vessels, aircraft and manpower prepared for operations in emergency situations.

Article 3

Each Contracting Party shall take necessary measures for detecting violations and, within areas under its jurisdiction, for enforcing the provisions of this Protocol. Furthermore, the Contracting Parties shall ensure compliance with the provisions of this Protocol by vessels flying their flag.

The Contracting Parties shall promote exchange of information on subjects related to the implementation of this Protocol, including transmission of reports and urgent information which relate to article 1 thereof.

C. CHARACTERISTICS OF DISCHARGE SITE AND RECEIVING MARINE ENVIRONMENT

1. Hydrographic, meteorological, geological and topographic characteristics of the coastal area.

2. Location and type of discharge (outfall, canal, outlet, etc.) and its relation to other areas (such as amenity areas, spawning, nursery and fishing areas, shellfish grounds) and other discharges.

3. Initial dilution achieved at the point of discharge into the receiving marine environment.

4. Dispersal characteristics such as the effect of currents, tides and winds on horizontal transport and vertical mixing.

5. Receiving water characteristics with respect to physical, chemical, biological and ecological conditions in the discharge area.

6. Capacity of the receiving marine environment to receive waste discharges without undesirable effects.

D. AVAILABILITY OF WASTE TECHNOLOGIES

The methods of waste reduction and discharge for industrial effluents as well as household sewage should be selected taking into account the availability and feasibility of:

(a) Alternative treatment processes;
(b) Recycling, reuse, or elimination methods;
(c) On-land disposal alternatives; and
(d) Appropriate clean and low-waste technologies.

E. POTENTIAL IMPAIRMENT OF MARINE ECOSYSTEMS AND SEA-WATER USES

1. Effects on human life through pollution impact on:

(a) Edible marine organisms;
(b) Bathing waters;
(c) Aesthetics.

Discharges of wastes containing substances and matter listed in Annexes I and II shall be subject to a system of self-monitoring and control by the competent national authorities.

2. Effects on marine ecosystems, in particular living resources, endangered species, and critical habitats.

3. Effects on other legitimate uses of the sea.

Article 4

Any Contracting Party which becomes aware of cases where the marine environment of the Black Sea is in imminent danger of being damaged or has been significantly damaged by pollution, shall immediately notify the other Contracting Parties it deems likely to be affected by such damage as well as the Commission.

Article 5

Each Contracting Party shall indicate to the other Contracting Parties and the Commission, the competent national authorities responsible for controlling and combating of pollution by oil and other harmful substances. Each Contracting Party shall also designate a focal point to transmit and receive reports of incidents which have resulted or may result in a discharge of oil or other harmful substances, in accordance with the provisions of relevant international instruments.

Article 6

1. Each Contracting Party shall issue instructions to the masters of vessels flying its flag and to the pilots of aircraft registered in its territory requiring them to report in accordance with the Annex to this Protocol and by the most rapid and reliable channels, to the Party or Parties that might potentially be affected to the Commission:

   (a) The presence, characteristics and extent of spillages of oil or other harmful substances observed at sea which are likely to present a threat to the marine environment of the Black Sea or to the coast of one or more Contracting Parties;

   (b) All emergency situations causing or likely to cause pollution by oil or other harmful substances.

2. The information collected in accordance with paragraph 1 shall be communicated to the other Parties which are likely to be affected by pollution:

   (a) By the Contracting Party which has received the information;

   (b) By the Commission.

ANNEX

Contents of the report to be made pursuant to Article 6

1. Each report shall contain in general:

   (a) The identification of the source of pollution;

   (b) The geographic position, time and date of occurrence of the incident or of the observation;

   (c) Land and sea conditions prevailing in the area;

   (d) Relevant details with respect to the condition of the vessel polluting the sea.

2. Each report shall contain, whenever possible, in particular:

(a) A clear indication or description of the harmful substances involved, including the correct technical names of such substances;

(b) A statement of estimate of the quantities, concentrations and likely conditions of harmful substances discharged or likely to be discharged into the sea;

(c) A description of packaging and identifying marks;

(d) Name of the consignor, consignee, or manufacturer.

3. Each report shall clearly indicate, whenever possible, whether the harmful substances discharged or likely to be discharged are oil or noxious liquid, solid, or gaseous substances and whether such substances were or are carried in bulk or contained in packaged form, freight containers, portable tanks or road and rail tank wagons.

4. Each report shall be supplemented, as necessary, by any relevant information requested by a recipient of the report or deemed appropriate by the person sending the report.

5. Any of the persons referred to in article 6, paragraph 1, of this Protocol shall:

(a) Supplement the initial report, as far as possible and necessary, with information concerning further developments;

(b) Comply as fully as possible with requests from affected Contracting Parties for additional information.

PROTOCOL ON THE PROTECTION OF THE BLACK SEA MARINE ENVIRONMENT AGAINST POLLUTION BY DUMPING

Article 1

In accordance with article X of the Convention, the Contracting Parties shall take individually or jointly all appropriate measures for the implementation of this Protocol.

Article 2

Dumping in the Black Sea of wastes or other matter containing noxious substances listed in Annex II to this Protocol requires, in each case, a prior special permit from the competent national authorities.

Article 3

Dumping in the Black Sea of wastes or other matter containing noxious substances listed in Annex II to this Protocol requires, in each case, a prior special permit from the competent national authorities.

Article 4

Dumping in the Black Sea of all other wastes or matter requires a prior general permit from the competent national authorities.

Article 5

The permits referred to in articles 3 and 4 above shall be issued after a careful consideration of all the factors set forth in Annex III to this Protocol by the competent national authorities of the relevant coastal State. The Commission shall receive records of such permits.

Article 6

The provisions of articles 2, 3 and 4 shall not apply when the safety of human life or of a vessel or aircraft at sea is threatened by complete destruction or total loss or in any other case when there is a danger to human life and when dumping appears to be the only way of averting such danger, and if there is every probability that the damage resulting from such dumping will be less than would otherwise occur. Such dumping shall be carried out so as to minimize the likelihood of damage to human or marine life. The Commission shall promptly be informed.

Article 7

1. Each Contracting Party shall designate one or more competent authorities to:

   (a) issue the permits provided for in articles 3 and 4;

   (b) keep records of the nature and quantities of the wastes or other matter permitted to be dumped and of the location, date and method of dumping.

2. The competent authorities of each Contracting Party shall issue the permits provided for in articles 3 and 4 in respect of the wastes or other matter intended for dumping:

   (a) loaded within its territory;

   (b) loaded by a vessel flying its flag or an aircraft registered in its territory when the loading occurs within the territory of another State.

Article 8

1. Each Contracting Party shall take the measures required to implement this Protocol in respect of:

   (a) vessels flying its flag or aircraft registered in its territory;

   (b) vessels and aircraft loading in its territory wastes or other matter which are to be dumped;

   (c) platforms and other man-made structures at sea situated within its territorial sea and exclusive economic zone;

   (d) dumping within its territorial sea and exclusive economic zone.

Article 9

The Contracting Parties shall cooperate in exchanging information relevant to articles 5, 6, 7 and 8. Each Contracting Party shall inform the other

Contracting Parties which may potentially be affected, in case of suspicions that dumping in contravention of the provisions of this Protocol has occurred or is about to occur.

ANNEX I
Hazardous substances and matter

1. Organohalogen compounds, e.g. DDT, DDE, DDD, PCBs.
2. Persistent organophosphorus compounds.
3. Mercury and mercury compounds.
4. Cadmium and cadmium compounds.
5. Persistent substances with proven toxic, carcinogenic, teratogenic or mutagenic properties.
6. Used lubricating oils.
7. Persistent synthetic materials which may float, sink or remain in suspension.
8. Radioactive substances and wastes, including used radioactive fuel.
9. Crude oil and hydrocarbons of any origin.

ANNEX II
Noxious substances and matter

The following substances, compounds or matter have been selected mainly on the basis of criteria used in Annex I, while taking into account the fact that they are less harmful or more readily rendered harmless by natural processes.

The control and strict limitation of the dumping of substances referred to in Annex I shall be implemented in accordance with Annex III of this Protocol.

1. Biocides and their derivatives not covered in Annex I.
2. Cyanides, fluorides, and elemental phosphorus.
3. Pathogenic micro-organisms.
4. Non-biodegradable detergents and their surface-active substances.
5. Alkaline or acid compounds.
6. Substances which, although of a non-toxic nature, may become harmful to the marine biota owing to the quantities in which they are discharged, e.g. inorganic phosphorus, nitrogen, organic matter and other nutrient compounds. Also substances which have an adverse effect on the oxygen content in the marine environment.
7. The following elements and their compounds:

    Zinc
    Copper
    Nickel
    Chromium
    Selenium
    Arsenic
    Antimony
    Molybdenum
    Titanium
    Tin
    Barium
    Beryllium
    Boron
    Uranium
    Vanadium
    Cobalt
    Thallium
    Tellurium
    Silver

8. Sewage sludge.

ANNEX III

In issuing permits for dumping at sea, the following factors shall be considered:

A. CHARACTERISTICS AND COMPOSITION OF THE MATTER

1. Amount of matter to be dumped (e.g. per year).

2. Average composition of the matter to be dumped.

3. Properties: physical (e.g. solubility, density), chemical and biochemical (e.g. oxygen demand, nutrients), biological (e.g., presence of bacteria, etc.).

The data should include sufficient information on the annual mean levels and seasonal variations of the mentioned properties.

4. Long-term toxicity.

5. Persistence: physical, chemical, biological.

6. Accumulation and transformation in the marine environment.

7. Susceptibility to physical, chemical and biochemical changes and interaction with other dissolved matter.

8. Probability of inducing effects which would reduce the marketability of resources (e.g. fish, shellfish).

B. CHARACTERISTICS OF DUMPING SITE AND DISPOSAL METHOD

1. Location (e.g. coordinates of the dumping area, depth and distance from the coast) and its relation to areas of special interest (e.g. amenity areas, spawning, nursery and fishing grounds).

2. Methods and technologies of packaging and disposal of matter.

3. Dispersal characteristics.

4. Hydrological characteristics and seasonal variations in these characteristics (e.g. temperature, pH, salinity, stratification, turbidity, dissolved oxygen, biochemical oxygen demand, chemical oxygen demand, nutrients, productivity).

5. Bottom characteristics (e.g. topography, geochemical, geological and biological productivity).

6. Cases and effects of other dumping.

C. GENERAL CONSIDERATIONS

1. Possible effects on amenities (e.g. floating or stranded matter, water turbidity, objectionable odour, discoloration, and foaming).

2. Possible effects on marine life, fish stocks, mari-culture areas, traditional fishing grounds, seaweed harvesting and cultivation sites.

3. Possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, underwater corrosion of structures, interference

with vessel operations or fishing due to floating matter or through deposit of wastes or objects on the seabed, and difficulties in protecting areas of special interest for scientific research or protection of nature).

4. Practical availability of alternative land disposal methods.

RESOLUTION I

Elaboration of a Protocol concerning transboundary movement of hazardous wastes and cooperation in combating illegal traffic thereof

The Diplomatic Conference on the Protection of the Black Sea against Pollution:

Having adopted the Convention on the Protection of the Black Sea against Pollution,

Bearing in mind its article XIV, "Pollution by hazardous wastes in transboundary movement", stipulating:

"The Contracting Parties shall take all measures consistent with international law and cooperate in preventing pollution of the marine environment of the Black Sea due to hazardous wastes in transboundary movement, as well as in combating illegal traffic thereof, in accordance with the Protocol to be adopted by them".

Noting the draft Protocol to this effect elaborated by the delegation of the Russian Federation;

Decides that priority shall be given to the elaboration and adoption of a Protocol concerning transboundary movement of hazardous wastes and cooperation in combating illegal traffic thereof.

RESOLUTION 2

Establishment of cooperation with Danube States for promoting the objectives of the Convention on the Protection of the Black Sea against Pollution

The Contracting Parties to the Convention on the Protection of the Black Sea against Pollution,

Having adopted the Convention on the Protection of the Black Sea against Pollution,

Taking into account that rivers tributary to the Black Sea constitute a major source of pollution of the marine environment of the Black Sea,

Mindful of the efforts of Danube countries for the preparation of an agreement aimed at improving ecological conditions in the Danube,

Recalling the provisions of the Charter of Paris for a New Europe, adopted on 21 November 1990, stipulating the common responsibility of all countries for the preservation of the environment and their commitment to intensify their endeavours to protect and improve their environment in order to restore and maintain a sound ecological balance in air, water and soil, Recalling further that under international law all States, whether they are or not coastal States, have an obligation to protect and preserve the marine environment,

Conscious of the need to take into consideration the work to be undertaken by Danube States,

Decides that the Contracting Parties to the Convention will closely follow the activities of the Danube States regarding the improvement of the ecological conditions in the Danube and will endeavour to initiate cooperation including future meetings with them for the purposes of the Convention.

RESOLUTION 3

Cooperation with intergovernmental organizations

The Diplomatic Conference on the Protection of the Black Sea against Pollution:

Having adopted the Convention on the Protection of the Black Sea against Pollution,

Considering article V, paragraph 5, "General undertakings", of the Convention, stipulating;

"The Contracting Parties will cooperate in promoting, within international organizations found to be competent by them, the elaboration of measures contributing to the protection and preservation of the marine environment of the Black Sea",

Wishing to establish effective cooperation with UNEP-OCA/PAC Regional Seas Programme which has gained considerable experience in the field of marine pollution,

1. Decides to invite UNEP-OCA/PAC Regional Seas Programme to cooperate with the Contracting Parties and/or the Commission for the elaboration of a Black Sea Action Plan, including provision of assistance and equipment as well as a preliminary work programme for priority environmental issues, such as:

   - Preparation of monitoring and research programmes of the Contracting Parties for the prevention of marine pollution,
   - Training of environment specialists,
   - Transfer and use of best available clean and low-waste technologies,
   - Providing assistance in supporting the efforts of the Contracting Parties in achieving sustainable development;

2. Decides to invite other intergovernmental organizations to cooperate with the Contracting Parties and/or the Commission by preparing and implementing specific programmes and projects, with a view to fulfilling the objectives of the Convention.

RESOLUTION 4

Institutional arrangements related to the Convention on the Protection of the Black Sea against Pollution

1. The headquarters of the Commission and the Secretariat, to be established in accordance with article XVII of the Convention, will be in Istanbul.

The Contracting Parties take note of the offer by the Republic of Turkey relating to the financial means and facilities to be provided for this purpose (Ankara meeting WP/5/C, 26 March 1991).

2. The national programmes, in the context of the implementation of the Convention and the Protocols annexed to it, will be carried out by the appropriate research establishments of the Contracting Parties, in accordance with the criteria and guidelines established by the Commission.

3. Furthermore, in accordance with programmes of the Commission, certain activities concerning technical matters such as organization of training courses, formulation of joint pollution control guidelines and joint inter-calibration and inter-comparison exercises, etc., shall be carried out by the research Institutes of the Contracting Parties as activity centres. The Contracting Parties take note of offers of the Bulgarian and the Romanian sides to provide the facilities for this purpose in Varna (Institute of Oceanology) and Constanta (Institute of Marine Research) respectively.

(c) Convention on the Protection of the Marine Environment of the Baltic Sea Area, 9 April 1992

The Contracting Parties,

Conscious of the indispensable value of the marine environment of the Baltic Sea Area, its exceptional hydrographic and ecological characteristics and the sensitivity of its living resources to changes in the environment;

Bearing in mind the historical and present economic, social and cultural value of the Baltic Sea Area for the well-being and development of the peoples of that region;

Noting with deep concern the still ongoing pollution of the Baltic Sea Area;

Declaring their firm determination to assure the ecological restoration of the Baltic Sea, ensuring the possibility of self-regeneration of the marine environment and preservation of its ecological balance;

Recognizing that the protection and enhancement of the marine environment of the Baltic Sea Area are tasks that cannot effectively be accomplished by national efforts alone but by close regional cooperation and other appropriate international measures;

Appreciating the achievements in environmental protection within the framework of the 1974 Convention on the Protection of the Marine Environment of the Baltic Sea Area, and the role of the Baltic Marine Environment Protection Commission therein;

Recalling the pertinent provisions and principles of the 1972 Declaration of the Stockholm Conference on the Human Environment and the 1975 Final Act of the Conference on Security and Cooperation in Europe (CSE);

Desiring to enhance cooperation with competent regional organizations such as the International Baltic Sea Fishery Commission established by the 1973 Gdansk Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and the Belts;

Welcoming the Baltic Sea Declaration by the Baltic and other interested States, the European Economic Community and cooperating international financial institutions assembled at Ronneby in 1990, and the Joint Comprehensive Programme aimed at a joint action plan in order to restore the Baltic Sea Area to a sound ecological balance;

Conscious of the importance of transparency and public awareness as well as the work by non-governmental organizations for successful protection of the Baltic Sea Area;

Welcoming the improved opportunities for closer cooperation which have been opened by the recent political developments in Europe on the basis of peaceful cooperation and mutual understanding;

Determined to embody developments in international environmental policy and environmental law into a new Convention to extend, strengthen and modernize the legal regime for the protection of the Marine Environment of the Baltic Sea Area;

Have agreed as follows:

Article 1

Convention Area

This Convention shall apply to the Baltic Sea Area. For the purposes of this Convention the "Baltic Sea Area" shall be the Baltic Sea and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57° 44.43'N. It includes the internal waters, i.e. for the purposes of this Convention, waters on the landward side of the baselines from which the breadth of the territorial sea is measured up to the landward limit according to the designation by the Contracting Parties.

A Contracting Party shall, at the time of the deposit of the instrument of ratification, approval or accession, inform the Depositary of the designation of its internal waters for the purposes of this Convention.

Article 2

Definitions

For the purposes of this Convention:

1. "Pollution" means introduction by man, directly or indirectly, of substances or energy into the sea, including estuaries, which are liable to create hazards to human health, to harm living resources and marine ecosystems, to cause hindrance to legitimate uses of the sea including fishing, to impair the quality for use of sea water, and to lead to a reduction of amenities;

2. "Pollution from land-based sources" means pollution of the sea by point or diffuse inputs from all sources on land reaching the sea waterborne, airborne or directly from the coast. It includes pollution from any deliberate disposal under the seabed with access from land by tunnel, pipeline or other means;

3. "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms;

4. (a) "Dumping" means:

    (i) any deliberate disposal at sea or into the seabed of wastes or other matter from ships, other man-made structures at sea or aircraft;

    (ii) any deliberate disposal at sea of ships, other man-made structures at sea or aircraft;

   (b) "Dumping" does not include:

    (i) the disposal at sea of wastes or other matter incidental to, or derived from the normal operations of ships, other man-made structures at sea or aircraft and their equipment, other than wastes or other matter transported by or to ships, other man-made structures at sea or aircraft, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such ships, structures or aircraft;

(ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of the present Convention;

5. "Incineration" means the deliberate combustion of wastes or other matter at sea for the purpose of their thermal destruction. Activities incidental to the normal operation of ships or other man-made structures are excluded from the scope of this definition;

6. "Oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products;

7. "Harmful substance" means any substance which, if introduced into the sea, is liable to cause pollution;

8. "Hazardous substance" means any harmful substance which due to its intrinsic properties is persistent, toxic or liable to bio-accumulate;

9. "Pollution incident" means an occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil or other harmful substances and which poses or may pose a threat to the marine environment of the Baltic Sea or to the coastline or related interests of one or more Contracting Parties, and which requires emergency actions or other immediate response;

10. "Regional economic integration organization" means any organization constituted by sovereign States, to which their member States have transferred competence in respect of matters governed by this Convention, including the competence to enter into international agreements in respect of these matters;

11. The "Commission" means the Baltic Marine Environment Protection Commission referred to in article 19.

Article 3

Fundamental principles and obligations

1. The Contracting Parties shall individually or jointly take all appropriate legislative, administrative or other relevant measures to prevent and eliminate pollution in order to promote the ecological restoration of the Baltic Sea Area and the preservation of its ecological balance.

2. The Contracting Parties shall apply the precautionary principle, i.e., to take preventive measures when there is reason to assume that substances or energy introduced, directly or indirectly, into the marine environment may create hazards to human health, harm living resources and marine ecosystems, damage amenities or interfere with other legitimate uses of the sea even when there is no conclusive evidence of a causal relationship between inputs and their alleged effects.

3. In order to prevent and eliminate pollution of the Baltic Sea Area the Contracting Parties shall promote the use of Best Environmental Practice and Best Available Technology. If the reduction of inputs, resulting from the use of Best Environmental Practice and Best Available Technology, as described in Annex II, does not lead to environmentally acceptable results, additional measures shall be applied.

4. The Contracting Parties shall apply the polluter-pays principle.

5. The Contracting Parties shall ensure that measurements and calculations of emissions from point sources to water and air and of inputs from diffuse

sources to water and air are carried out in a scientifically appropriate manner in order to assess the state of the marine environment of the Baltic Sea Area and ascertain the implementation of this Convention.

6. The Contracting Parties shall use their best endeavours to ensure that the implementation of this Convention does not cause transboundary pollution in areas outside the Baltic Sea Area. Furthermore, the relevant measures shall not lead either to unacceptable environmental strains on air quality and the atmosphere or on waters, soil and groundwater, to unacceptably harmful or increasing waste disposal, or to increased risks to human health.

Article 4

Application

1. This Convention shall apply to the protection of the marine environment of the Baltic Sea Area which comprises the water-body and the seabed including their living resources and other forms of marine life.

2. Without prejudice to its sovereignty each Contracting Party shall implement the provisions of this Convention within its territorial sea and its internal waters through its national authorities.

3. This Convention shall not apply to any warship, naval auxiliary, military aircraft or other ship and aircraft owned or operated by a State and used, for the time being, only on government non-commercial service.

However, each Contracting Party shall ensure, by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships and aircraft owned or operated by it, that such ships and aircraft act in a manner consistent, so far as is reasonable and practicable, with this Convention.

Article 5

Harmful substances

The Contracting Parties undertake to prevent and eliminate pollution of the marine environment of the Baltic Sea Area caused by harmful substances from all sources, according to the provisions of this Convention and, to this end, to implement the procedures and measures of Annex I.

Article 6

Principles and obligations concerning pollution from land-based sources

1. The Contracting Parties undertake to prevent and eliminate pollution of the Baltic Sea Area from land-based sources by using, *inter alia*, Best Environmental Practice for all sources and Best Available Technology for point sources. The relevant measures to this end shall be taken by each Contracting Party in the catchment area of the Baltic Sea without prejudice to its sovereignty.

2. The Contracting Parties shall implement the procedures and measures set out in Annex III. To this end they shall, *inter alia*, as appropriate, cooperate in the development and adoption of specific programmes, guidelines, standards or regulations concerning emissions and inputs to water and air, environmental quality, and products containing harmful substances and material and the use thereof.

3. Harmful substances from point sources shall not, except in negligible

quantities, be introduced directly or indirectly into the marine environment of the Baltic Sea Area, without a prior special permit, which may be periodically reviewed, issued by the appropriate national authority in accordance with the principles contained in Annex III, Regulation 3. The Contracting Parties shall ensure that authorized emissions to water and air are monitored and controlled.

4. If the input from a watercourse flowing through the territories of two or more Contracting Parties or forming a boundary between them is liable to cause pollution of the marine environment of the Baltic Sea Area, the Contracting Parties concerned shall jointly and, if possible, in cooperation with a third State interested or concerned, take appropriate measures in order to prevent and eliminate such pollution.

Article 7

Environmental impact assessment

1. Whenever an environmental impact assessment of a proposed activity that is likely to cause a significant adverse impact on the marine environment of the Baltic Sea Area is required by international law or supranational regulations applicable to the Contracting Party of origin, that Contracting Party shall notify the Commission and any Contracting Party which may be affected by a transboundary impact on the Baltic Sea Area.

2. The Contracting Party of origin shall enter into consultations with any Contracting Party which is likely to be affected by such transboundary impact, whenever consultations are required by international law or supranational regulations applicable to the Contracting Party of origin.

3. Where two or more Contracting Parties share transboundary waters within the catchment area of the Baltic Sea, these Parties shall cooperate to ensure that potential impacts on the marine environment of the Baltic Sea Area are fully investigated within the environmental impact assessment referred to in paragraph 1 of this article. The Contracting Parties concerned shall jointly take appropriate measures in order to prevent and eliminate pollution, including cumulative deleterious effects.

Article 8

Prevention of pollution from ships

1. In order to protect the Baltic Sea Area from pollution from ships, the Contracting Parties shall take measures as set out in Annex IV.

2. The Contracting Parties shall develop and apply uniform requirements for the provision of reception facilities for ship-generated wastes, taking into account, inter alia, the special needs of passenger ships operating in the Baltic Sea Area.

Article 9

Pleasure craft

The Contracting Parties shall, in addition to implementing those provisions of this Convention which can appropriately be applied to pleasure craft, take special measures in order to abate harmful effects on the marine environment of the Baltic Sea Area caused by pleasure craft activities. The measures shall, inter alia, deal with air pollution, noise and hydrodynamic effects as well as with adequate reception facilities for wastes from pleasure craft.

Article 10

Prohibition of incineration

1. The Contracting Parties shall prohibit incineration in the Baltic Sea Area.

2. Each Contracting Party undertakes to ensure compliance with the provisions of this article by ships:

(a) registered in its territory or flying its flag;

(b) loading, within its territory or territorial sea, matter which is to be incinerated; or

(c) believed to be engaged in incineration within its internal waters and territorial sea.

3. In case of suspected incineration the Contracting Parties shall cooperate in investigating the matter in accordance with Regulation 2 of Annex IV.

Article 11

Prevention of dumping

1. The Contracting Parties shall, subject to exemptions set forth in paragraphs 2 and 4 of this article, prohibit dumping in the Baltic Sea Area.

2. Dumping of dredged material shall be subject to a prior special permit issued by the appropriate national authority in accordance with the provisions of Annex V.

3. Each Contracting Party undertakes to ensure compliance with the provisions of this article by ships and aircraft:

(a) registered in its territory or flying its flag;

(b) loading, within its territory or territorial sea, matter which is to be dumped; or

(c) believed to be engaged in dumping within its internal waters and territorial sea.

4. The provisions of this article shall not apply when the safety of human life or of a ship or aircraft at sea is threatened by the complete destruction or total loss of the ship or aircraft, or in any case which constitutes a danger to human life, if dumping appears to be the only way of averting the threat and if there is every probability that the damage consequent upon such dumping will be less than would otherwise occur. Such dumping shall be so conducted as to minimize the likelihood of damage to human or marine life.

5. Dumping made under the provisions of paragraph 4 of this article shall be reported and dealt with in accordance with Annex VII and shall be reported forthwith to the Commission in accordance with the provisions of Regulation 4 of Annex V.

6. In case of dumping suspected to be in contravention of the provisions of this article the Contracting Parties shall cooperate in investigating the matter in accordance with Regulation 2 of Annex IV.

Article 12

Exploration and exploitation of the seabed and its subsoil

1. Each Contracting Party shall take all measures in order to prevent pollution of the marine environment of the Baltic Sea Area resulting from exploration or exploitation of its part of the seabed and the subsoil thereof or from any associated activities thereon as well as to ensure that adequate preparedness is maintained for immediate response actions against pollution incidents caused by such activities.

2. In order to prevent and eliminate pollution from such activities, the Contracting Parties undertake to implement the procedures and measures set out in Annex VI, as far as they are applicable.

Article 13

Notification and consultations on pollution incidents

1. Whenever a pollution incident in the territory of a Contracting Party is likely to cause pollution to the marine environment of the Baltic Sea Area outside its territory and adjacent maritime area in which it exercises sovereign rights and jurisdiction according to international law, this Contracting Party shall notify without delay such Contracting Parties whose interests are affected or likely to be affected.

2. Whenever deemed necessary by the Contracting Parties referred to in paragraph 1, consultations should take place with a view to preventing, reducing and controlling such pollution.

3. Paragraphs 1 and 2 shall also apply in cases where a Contracting Party has sustained such pollution from the territory of a third State.

Article 14

Cooperation in combating marine pollution

The Contracting Parties shall individually and jointly take, as set out in Annex VII, all appropriate measures to maintain adequate ability and to respond to pollution incidents in order to eliminate or minimize the consequences of these incidents to the marine environment of the Baltic Sea Area.

Article 15

Nature conservation and biodiversity

The Contracting Parties shall individually and jointly take all appropriate measures with respect to the Baltic Sea Area and its coastal ecosystems influenced by the Baltic Sea to conserve natural habitats and biological diversity and to protect ecological processes. Such measures shall also be taken in order to ensure the sustainable use of natural resources within the Baltic Sea Area. To this end, the Contracting Parties shall aim at adopting subsequent instruments containing appropriate guidelines and criteria.

Article 16

Reporting and exchange of information

1. The Contracting Parties shall report to the Commission at regular intervals on:

(a) the legal, regulatory, or other measures taken for the implementation of the provisions of this Convention, of its Annexes and of recommendations adopted thereunder;

(b) the effectiveness of the measures taken to implement the provisions referred to in subparagraph (a) of this paragraph; and

(c) problems encountered in the implementation of the provisions referred to in subparagraph (a) of this paragraph.

2. On the request of a Contracting Party or of the Commission, the Contracting Parties shall provide information on discharge permits, emission data or data on environmental quality, as far as available.

Article 17

Information to the public

1. The Contracting Parties shall ensure that information is made available to the public on the condition of the Baltic Sea and the water in its catchment area, measures taken or planned to be taken to prevent and eliminate pollution and the effectiveness of those measures. For this purpose, the Contracting Parties shall ensure that the following information is made available to the public:

(a) permits issued and the conditions required to be met;

(b) results of water and effluent sampling carried out for the purposes of monitoring and assessment, as well as results of checking compliance with water-quality objectives or permit conditions; and

(c) water-quality objectives.

2. Each Contracting Party shall ensure that this information shall be available to the public at all reasonable times and shall provide members of the public with reasonable facilities for obtaining, on payment of reasonable charges, copies of entries in its registers.

Article 18

Protection of information

1. The provisions of this Convention shall not affect the right or obligation of any Contracting Party under its national law and applicable supranational regulation to protect information related to intellectual property including industrial and commercial secrecy or national security and the confidentiality of personal data.

2. If a Contracting Party nevertheless decides to supply such protected information to another Contracting Party, the Party receiving such protected

information shall respect the confidentiality of the information received and the conditions under which it is supplied, and shall use that information only for the purposes for which it was supplied.

Article 19

Commission

1. The Baltic Marine Environment Protection Commission, referred to as "the Commission", is established for the purposes of this Convention.

2. The Baltic Marine Environment Protection Commission, established pursuant to the Convention on the Protection of the Marine Environment of the Baltic Sea Area of 1974, shall be the Commission.

3. The chairmanship of the Commission shall be given to each Contracting Party in turn in alphabetical order of the names of the Contracting Parties in the English language. The Chairman shall serve for a period of two years, and cannot during the period of chairmanship serve as a representative of the Contracting Party holding the chairmanship.

Should the Chairman fail to complete his term, the Contracting Party holding the chairmanship shall nominate a successor to remain in office until the term of that Contracting Party expires.

4. Meetings of the Commission shall be held at least once a year upon convocation by the Chairman. Extraordinary meetings shall, upon the request of any Contracting Party endorsed by another Contracting Party, be convened by the Chairman to be held as soon as possible, however, not later than ninety days after the date of submission of the request.

5. Unless otherwise provided under this Convention, the Commission shall take its decisions unanimously.

Article 20

The duties of the Commission

1. The duties of the Commission shall be:

   (a) to keep the implementation of this Convention under continuous observation;

   (b) to make recommendations on measures relating to the purposes of this Convention;

   (c) to keep under review the contents of this Convention including its Annexes and to recommend to the Contracting Parties such amendments to this Convention including its Annexes as may be required including changes in the lists of substances and materials as well as the adoption of new Annexes;

   (d) to define pollution control criteria, objectives for the reduction of pollution, and objectives concerning measures, particularly those described in Annex III;

   (e) to promote in close cooperation with appropriate governmental bodies, taking into consideration subparagraph (f) of this article, additional measures to protect the marine environment of the Baltic Sea Area and for this purpose:

(i) to receive, process, summarize and disseminate relevant scientific, technological and statistical information from available sources; and

(ii) to promote scientific and technological research; and

(f) to seek, when appropriate, the services of competent regional and other international organizations to collaborate in scientific and technological research as well as other relevant activities pertinent to the objectives of this Convention.

2. The Commission may assume such other functions as it deems appropriate to further the purposes of this Convention.

Article 21

Administrative provisions for the Commission

1. The working language of the Commission shall be English.

2. The Commission shall adopt its Rules of Procedure.

3. The office of the Commission, known as "the Secretariat", shall be in Helsinki.

4. The Commission shall appoint an Executive Secretary and make provisions for the appointment of such other personnel as may be necessary, and determine the duties, terms and conditions of service of the Executive Secretary.

5. The Executive Secretary shall be the chief administrative official of the Commission and shall perform the functions that are necessary for the administration of this Convention, the work of the Commission and other tasks entrusted to the Executive Secretary by the Commission and its Rules of Procedure.

Article 22

Financial provisions for the Commission

1. The Commission shall adopt its Financial Rules.

2. The Commission shall adopt an annual or biennial budget of proposed expenditures and consider budget estimates for the fiscal period following thereafter.

3. The total amount of the budget, including any supplementary budget adopted by the Commission, shall be contributed by the Contracting Parties other than the European Economic Community, in equal parts, unless unanimously decided otherwise by the Commission.

4. The European Economic Community shall contribute no more than 2.5 per cent of the administrative costs to the budget.

5. Each Contracting Party shall pay the expenses related to the participation in the Commission of its representatives, experts and advisers.

Article 23

Right to vote

1. Except as provided for in paragraph 2 of this article, each Contracting Party shall have one vote in the Commission.

2. The European Economic Community and any other regional economic integration organization, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Contracting Parties to this Convention. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Article 24

Scientific and technological cooperation

1. The Contracting Parties undertake directly, or when appropriate through competent regional or other international organizations, to cooperate in the fields of science, technology and other research, and to exchange data and other scientific information for the purposes of this Convention. In order to facilitate research and monitoring activities in the Baltic Sea Area, the Contracting Parties undertake to harmonize their policies with respect to permission procedures for conducting such activities.

2. Without prejudice to article 4, paragraph 2, of this Convention the Contracting Parties undertake directly, or when appropriate, through competent regional or other international organizations, to promote studies and to undertake, support or contribute to programmes aimed at developing methods assessing the nature and extent of pollution, pathways, exposures, risks and remedies in the Baltic Sea Area. In particular, the Contracting Parties undertake to develop alternative methods of treatment, disposal and elimination of such matter and substances that are likely to cause pollution of the marine environment of the Baltic Sea Area.

3. Without prejudice to article 4, paragraph 2, of this Convention the Contracting Parties undertake directly, of when appropriate through competent regional or other international organizations and, on the basis of the information and data acquired pursuant to paragraphs 1 and 2 of this article, to cooperate in developing inter-comparable observation methods, in performing baseline studies and in establishing complementary or joint programmes for monitoring.

4. The organization and scope of work connected with the implementation of tasks referred to in the preceding paragraphs should primarily be outlined by the Commission.

Article 25

Responsibility for damage

The Contracting Parties undertake jointly to develop and accept rules concerning responsibility for damage resulting from acts or omissions in contravention of this Convention, including, inter alia, limits of responsibility, criteria and procedures for the determination of liability and available remedies.

Article 26

Settlement of disputes

1. In case of a dispute between Contracting Parties as to the interpretation or application of this Convention, they should seek a solution by negotiation. If the Parties concerned cannot reach agreement they should seek the good offices of or jointly request mediation by a third Contracting Party, a qualified international organization or a qualified person.

2. If the Parties concerned have not been able to resolve their dispute through negotiation or have been unable to agree on measures as described above, such disputes shall be, upon common agreement, submitted to an ad hoc arbitration tribunal to a permanent arbitration tribunal, or to the International Court of Justice.

Article 27

Safeguard of certain freedoms

Nothing in this Convention shall be construed as infringing upon the freedom of navigation, fishing, marine scientific research and other legitimate uses of the high seas, as well as upon the right of innocent passage through the territorial sea.

Article 28

Status of Annexes

The Annexes attached to this Convention form an integral part of this Convention.

Article 29

Relation to other conventions

The provisions of this Convention shall be without prejudice to the rights and obligations of the Contracting Parties under existing and future treaties which further and develop the general principles of the law of the sea underlying this Convention and, in particular, provisions concerning the prevention of pollution of the marine environment.

Article 30

Conference for the revision or amendment of the Convention

A conference for the purpose of a general revision of or an amendment to this Convention may be convened with the consent of the Contracting Parties or at the request of the Commission.

Article 31

Amendments to the articles of the Convention

1. Each Contracting Party may propose amendments to the articles of this Convention. Any such proposed amendment shall be submitted to the Depositary and communicated by it to all Contracting Parties, which shall inform the Depositary of either their acceptance or rejection of the amendment as soon as possible after receipt of the communication.

A proposed amendment shall, at the request of a Contracting Party, be considered in the Commission. In such a case article 19, paragraph 4, shall apply. If an amendment is adopted by the Commission, the procedure in paragraph 2 of this article shall apply.

2. The Commission may recommend amendments to the articles of this Convention. Any such recommended amendment shall be submitted to the Depositary and communicated by it to all Contracting Parties, which shall notify the Depositary of either their acceptance or rejection of the amendment as soon as possible after receipt of the communication.

3. The amendment shall enter into force ninety days after the Depositary has received notifications of acceptance of that amendment from all Contracting Parties.

Article 32

Amendments to the Annexes and the adoption of Annexes

1. Any amendment to the Annexes proposed by a Contracting Party shall be communicated to the other Contracting Parties by the Depositary and considered in the Commission. If adopted by the Commission, the amendment shall be communicated to the Contracting Parties and recommended for acceptance.

2. Any amendment to the Annexes recommended by the Commission shall be communicated to the Contracting Parties by the Depositary and recommended for acceptance.

3. Such amendment shall be deemed to have been accepted at the end of a period determined by the Commission unless within that period any one of the Contracting Parties has, by written notification to the Depositary, objected to the amendment. The accepted amendment shall enter into force on a date determined by the Commission.

The period determined by the Commission shall be prolonged for an additional period of six months and the date of entry into force of the amendment postponed accordingly if, in exceptional cases, any Contracting Party informs the Depositary before the expiration of the period determined by the Commission that, although it intends to accept the amendment, the constitutional requirements for such an acceptance are not yet fulfilled.

4. An Annex to this Convention may be adopted in accordance with the provisions of this article.

Article 33

Reservations

1. The provisions of this Convention shall not be subject to reservations.

2. The provision of paragraph 1 of this article does not prevent a Contracting Party from suspending for a period not exceeding one year the application of an Annex of this Convention or part thereof or an amendment thereto after the Annex in question or the amendment thereto has entered into force. Any Contracting Party to the 1974 Convention on the Protection of the Marine Environment of the Baltic Sea Area, which, upon the entry into force of this Convention, suspends the application of an Annex or part thereof, shall apply the corresponding Annex or part thereof to the 1974 Convention for the period of suspension.

3. If after the entry into force of this Convention a Contracting Party invokes the provisions of paragraph 2 of this article it shall inform the other Contracting Parties, at the time of the adoption by the Commission of an amendment to an Annex or a new Annex, of those provisions which will be suspended in accordance with paragraph 2 of this article.

Article 34

Signature

This Convention shall be open for signature in Helsinki from 9 April 1992 until 9 October 1992 by States and by the European Economic Community participating in the Diplomatic Conference on the Protection of the Marine Environment of the Baltic Sea Area held in Helsinki on 9 April 1992.

Article 35

Ratification, approval and accession

1. This Convention shall be subject to ratification or approval.

2. This Convention shall, after its entry into force, be open for accession by any other State or regional economic integration organization interested in fulfilling the aims and purposes of this Convention, provided that this State or organization is invited by all the Contracting Parties. In the case of limited competence of a regional economic integration organization, the terms and conditions of its participation may be agreed upon between the Commission and the interested organization.

3. The instruments of ratification, approval or accession shall be deposited with the Depositary.

4. The European Economic Community and any other regional economic integration organization which becomes a Contracting Party to this Convention shall in matters within their competence, on their own behalf, exercise the rights and fulfil the responsibilities which this Convention attributes to their member States. In such cases, the member States of these organizations shall not be entitled to exercise such rights individually.

Article 36

Entry into force

1. This Convention shall enter into force two months after the deposit of the instruments of ratification or approval by all signatory States bordering the Baltic Sea and by the European Economic Community.

2. For each State which ratifies or approves this Convention before or after the deposit of the last instrument of ratification or approval referred to in paragraph 1 of this article, this Convention shall enter into force two months after the date of deposit by such State of its instrument of ratification or approval or on the date of entry into force of this Convention, whichever is the latest date.

3. For each acceding State or regional economic integration organization, this Convention shall enter into force two months after the deposit by such State or regional economic integration organization of its instrument of accession.

4. Upon entry into force of this Convention, the Convention on the Protection of the Marine Environment of the Baltic Sea Area, signed in Helsinki on 22 March 1974, as amended, shall cease to apply.

5. Notwithstanding paragraph 4 of this article, amendments to the Annexes of the said Convention adopted by the Contracting Parties to the said Convention between the signing of this Convention and its entry into force, shall continue to apply until the corresponding Annexes of this Convention have been amended accordingly.

6. Notwithstanding paragraph 4 of this article, recommendations and decisions adopted under the said Convention shall continue to be applicable to the extent that they are compatible with, or not explicitly terminated by this Convention or any decision adopted thereunder.

Article 37

Withdrawal

1. At any time after the expiry of five years from the date of entry into force of this Convention any Contracting Party may, by giving written notification to the Depositary, withdraw from this Convention. The withdrawal shall take effect for such Contracting Party on the thirtieth day of June of the year which follows the year in which the Depositary was notified of the withdrawal.

2. In case of notification of withdrawal by a Contracting Party the Depositary shall convene a meeting of the Contracting Parties for the purpose of considering the effect of the withdrawal.

Article 38

Depositary

The Government of Finland, acting as Depositary, shall:

(a) notify all Contracting Parties and the Executive Secretary of:

(i) the signatures;

(ii) the deposit of any instrument of ratification, approval or accession;

(iii) any date of entry into force of this Convention;

(iv) any proposed or recommended amendment to any article or Annex or the adoption of a new Annex as well as the date on which such amendment or new Annex enters into force;

(v) any notification, and the date of its receipt, under articles 31 and 32;

(vi) any notification of withdrawal and the date on which such withdrawal takes effect;

(vii) any other act or notification relating to this Convention;

(b) transmit certified copies of this Convention to acceding States and regional economic integration organizations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Helsinki, this ninth day of April, one thousand nine hundred and ninety-two, in a single authentic copy in the English language which shall be deposited with the Government of Finland. The Government of Finland shall transmit certified copies to all Signatories.

ANNEX I

Harmful substances

Part 1 - General principles

1.0 Introduction

In order to fulfil the requirements of relevant parts of this Convention the following procedure shall be used by the Contracting Parties in identifying and evaluating harmful substances, as defined in article 2, paragraph 7.

1.1 Criteria on the allocation of substances

The identification and evaluation of substances shall be based on the intrinsic properties of substances, namely:

- persistency;
- toxicity or other noxious properties;
- tendency to bio-accumulation.

as well as on characteristics liable to cause pollution, such as:

- the ratio between observed concentrations and concentrations having no observed effect;
- transboundary or long-range significance;
- risk of undesirable changes in the marine ecosystem and irreversibility or durability of effects;
- radioactivity;
- serious interference with harvesting of sea-foods or with other legitimate uses of the sea;
- distribution pattern (i.e. quantities involved, use pattern and liability to reach the marine environment);
- proven carcinogenic, teratogenic or mutagenic properties in or through the marine environment.

These characteristics are not necessarily of equal importance for the identification and evaluation of a particular substance or group of substances.

1.2 Priority groups of harmful substances

The Contracting Parties shall, in their preventive measures, give priority to the following groups of substances which are generally recognized as harmful substances:

(a) heavy metals and their compounds;

(b) organohalogen compounds;

(c) organic compounds of phosphorus and tin;

(d) pesticides, such as fungicides, herbicides, insecticides, slimicides and chemicals used for the preservation of wood, timber, wood pulp, cellulose, paper, hides and textiles;

(e) oils and hydrocarbons of petroleum origin;

(f) other organic compounds especially harmful to the marine environment;

(g) nitrogen and phosphorus compounds;

(h) radioactive substances, including wastes;

(i) persistent materials which may float, remain in suspension or sink;

(j) substances which cause serious effects on taste and/or smell of products for human consumption from the sea, or effects on taste, smell, colour, transparency or other characteristics of the water.

Part 2 - Banned substances

In order to protect the Baltic Sea Area from hazardous substances, the Contracting Parties shall prohibit, totally or partially, the use of the following substances or groups of substances in the Baltic Sea Area and its catchment area:

2.1 Substances banned for all final uses, except for drugs

DDT (1,1,1-trichloro-2,2-(chlorophenyl)-ethane) and its derivaties DDE and DDD;

2.2 Substances banned for all uses, except in existing closed system equipment until the end of service life or for research, development and analytical purposes

(a) PCBs (polychlorinated biphenyls);

(b) PCTs (polychlorinated terphenyls).

2.3 Substances banned for certain applications

Organotin compounds for anti-fouling paints for pleasure craft under 25 m and fish net cages.

Part 3 - Pesticides

In order to protect the Baltic Sea Area from hazardous substances, the Contracting Parties shall endeavour to minimize and, whenever possible, to ban the use of the following substances as pesticides in the Baltic Sea Area and its catchment area:

	CAS-number
Acrylonitrile	107131
Aldrin	309002
Aramite	140578
Cadmium compounds	-

	CAS-number
Chlordane	57749
Chlordecone	143500
Chlordimeform	6164983
Chloroform	67663
1,3-Dibromoethane	106934
Dieldrin	60571
Endrin	72208
Fluoroacetic acid and derivatives	766393, 144490
Heptachlor	76448
Isobenzane	297789
Isodrin	465736
Kelevan	4234791
Lead compounds	-
Mercury compounds	-
Morfamquat	4636833
Nitrophen	1836755
Pentachlorophenol	87865
Polychlorinated terpenes	8001501
Quintozene	82688
Selenium compounds	-
2,4,5-T	93765
Toxaphene	8001352

ANNEX II

Criteria for use of best environmental practice and best available technology

Regulation 1; General provisions

1. In accordance with the relevant parts of this Convention, the Contracting Parties shall apply the criteria for Best Environmental Practice and Best Available Technology described below.

2. In order to prevent and eliminate pollution the Contracting Parties shall use Best Environmental Practice for all sources and Best Available Technology for point sources, minimizing or eliminating inputs to water and air from all sources by providing control strategies.

Regulation 2; Best Environmental Practice

The term "Best Environmental Practice" is taken to mean the application of the most appropriate combination of measures. In selecting for individual cases, at least the following graduated range of measures should be considered:

- provision of information and education to the public and to users about the environmental consequences of choosing particular activities and products, their use and final disposal;

- the development and application of Codes of Good Environmental Practice covering all aspects of activity in the product's life;

- mandatory labels informing the public and users of environmental risks related to a product, its use and final disposal;

- availability of collection and disposal systems;

- saving of resources, including energy;

- recycling, recovery and reuse;
- avoiding the use of hazardous substances and products and the generation of hazardous waste;
- application of economic instruments to activities, products or groups of products and emissions;
- a system of licensing involving a range of restrictions or a ban.

2. In determining in general or individual cases what combination of measures constitute Best Environmental practice, particular consideration should be given to:

- the precautionary principle;
- the ecological risk associated with the product, its production, use and final disposal;
- potential environmental benefit or penalty of substitute materials or activities;
- advances and changes in scientific knowledge and understanding;
- time-limits for implementation;
- social and economic implications.

Regulation 3; Best Available Technology

1. The term "Best Available Technology" is taken to mean the latest stage of development (state of the art) of processes, of facilities or of methods of operation which indicate the practical suitability of a particular measure for limiting discharges.

2. In determining whether a set of processes, facilities and methods of operation constitute the Best Available Technology in general or individual cases, special consideration should be given to:

- comparable processes, facilities or methods of operation which have recently been successfully tried out;
- technological advances and changes in scientific knowledge and understanding;
- the economic feasibility of such technology;
- time-limits for application;
- the nature and volume of the emissions concerned;
- non-waste/low-waste technology;
- the precautionary principle.

Regulation 4; Future developments

It therefore follows that "Best Environmental Practice" and "Best Available Technology" will change with time in the light of technological advances and economic and social factors, as well as changes in scientific knowledge and understanding.

ANNEX III

Criteria and measures concerning the prevention of pollution from land-based sources

Regulation 1; General provisions

In accordance with the relevant parts of this Convention the Contracting Parties shall apply the criteria and measures in this Annex in the whole catchment area and take into account Best Environmental Practice (BEP) and Best Available Technology (BAT) as described in Annex II.

Regulation 2; Specific requirements

1. Municipal sewage water shall be treated at least by biological or other methods equally effective with regard to reduction of significant parameters. Substantial reduction shall be introduced for nutrients.

2. Water management in industrial plants should aim at closed water systems or at a high rate of circulation in order to avoid wastewater wherever possible.

3. Industrial wastewaters should be separately treated before mixing with diluting waters.

4. Wastewaters containing hazardous substances or other relevant substances shall not be jointly treated with other wastewaters unless an equal reduction of the pollutant load is achieved compared to the separate purification of each wastewater stream. The improvement of wastewater quality shall not lead to a significant increase in the amount of harmful sludge.

5. Limit values for emissions containing harmful substances to water and air shall be stated in special permits.

6. Industrial plants and other point sources connected to municipal treatment plants shall use Best Available Technology in order to avoid hazardous substances which cannot be made harmless in the municipal sewage treatment plant or which may disturb the processes in the plant. In addition, measures according to Best Environmental Practice shall be taken.

7. Pollution from fish farming shall be prevented and eliminated by promoting and implementing Best Environmental Practice and Best Available Technology.

8. Pollution from diffuse sources, including agriculture, shall be eliminated by promoting and implementing Best Environmental Practice.

9. Pesticides used shall comply with the criteria established by the Commission.

Regulation 3; Principles for issuing permits for industrial plants

The Contracting Parties undertake to apply the following principles and procedures when issuing the permits referred to in article 6, paragraph 3, of this Convention.

1. The operator of the industrial plant shall submit data and information to the appropriate national authority using a form of application. It is recommended that the operator negotiate with the appropriate national authority concerning the data required for the application before submitting the application to the authority (agreement on the scope of required information and surveys).

At least the following data and information shall be included in the application:

General information

- site of discharge and/or emission;
- type of production, amount of production and/or processing;
- production processes;
- type and amount of raw materials, agents and/or intermediate products;
- amount and quality of untreated wastewater and raw gas from all relevant sources (e.g. process water, cooling water);
- treatment of wastewater and raw gas with respect to type, process and efficiency of pretreatment and/or final treatment;
- treated wastewater and raw gas with respect to amount and quality at the outlet of the pretreatment and/or final treatment facilities;
- amount and quality of solid and liquid wastes generated during the process and the treatment of wastewater and raw gas;
- treatment of solid and liquid wastes;
- information about measures to prevent process failures and accidental spills;
- present status and possible impact on the environment.

Alternatives and their various impacts concerning, e.g., ecological, economic and safety aspects, if necessary

- other possible production processes;
- other possible raw materials, agents and/or intermediate products;
- other possible treatment technologies.

2. The appropriate national authority shall evaluate the present status and potential impact of the planned activities on the environment.

3. The appropriate national authority issues the permit after comprehensive assessment with special consideration of the above-mentioned aspects. At least the following shall be laid down in the permit:

- characterizations of all components (e.g. production capacity) which influence the amount and quality of discharge and/or emissions;
- limit values for amount and quality (load and/or concentration) of direct and indirect discharges and emissions;
- instructions concerning:
    - construction and safety;
    - production processes and/or agents;
    - operation and maintenance of treatment facilities;

- recovery of materials and substances and waste disposal;
- type and extent of control to be performed by the operator (self-control);
- measures to be taken in case of process failures and accidental spills;
- analytical methods to be used;
- schedule for modernization, retrofitting and investigations done by the operator;
- schedule for reports of the operator on monitoring and/or self-control, retrofitting and investigation measures.

4. The appropriate national authority or an independent institution authorized by the appropriate national authority shall:

- inspect the amount and quality of discharges and/or emissions by sampling and analysing;
- control the attainment of the permit requirements;
- arrange monitoring of the various impacts of wastewater discharges and emissions into the atmosphere;
- review the permit when necessary.

ANNEX IV

Prevention of pollution from ships

Regulation 1; Cooperation

The Contracting Parties shall, in matters concerning the protection of the Baltic Sea Area from pollution by ships, cooperate:

(a) within the International Maritime Organization, in particular in promoting the development of intentional rules, based, *inter alia*, on the fundamental principles and obligations of this Convention, which also includes the promotion of the use of Best Available Technology and Best Environmental Practice as defined in Annex II;

(b) in the effective and harmonized implementation of rules adopted by the International Maritime Organization.

Regulation 2; Assistance in investigations

The Contracting Parties shall, without prejudice to article 4, paragraph 3, of this Convention, assist each other as appropriate in investigating violations of the existing legislation on anti-pollution measures, which have occurred or are suspected to have occurred within the Baltic Sea Area. This assistance may include but is not limited to inspection by the competent authorities of oil record books, cargo record books, logbooks and engine logbooks and taking oil for analytical identification purposes.

Regulation 3; Definitions

For the purposes of this Annex:

1. "Administration" means the Government of the Contracting Party under whose authority the ship is operating. With respect to a ship entitled to fly a flag of any State, the Administration is the Government of that State. With respect to fixed or floating platforms and exploitation of the seabed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.

2. (a) "Discharge", in relation to harmful substances or effluents containing such substances, means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying;

(b) "Discharge" does not include:

(i) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter done at London on 29 December 1972; or

(ii) release of harmful substances directly arising from the exploration, exploitation and associated offshore processing of seabed mineral resources; or

(iii) release of harmful substances for purposes of legitimate scientific research into pollution abatement or control.

3. The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law.

4. The term "jurisdiction" shall be interpreted in accordance with international law in force at the time of application or interpretation of this Annex.

5. The term "MARPOL 73/78" means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto.

Regulation 4; Application of the Annexes of MARPOL 73/78

Subject to Regulation 5 the Contracting parties shall apply the provisions of the Annexes of MARPOL 73/78.

Regulation 5; Sewage

The Contracting Parties shall apply the provisions of paragraphs A to D and F and G of this Regulation on discharge of sewage from ships while operating in the Baltic Sea Area.

A. Definitions

For the purposes of this Regulation:

1. "Sewage" means:

(a) drainage and other wastes from any form of toilets, urinals, and WC scuppers;

(b) drainage from medical premises (dispensary, sick bay, etc.) via wash-basins, washtubs and scuppers located in such premises;

(c) drainage from spaces containing living animals; or

(d) other wastewaters when mixed with the drainages defined above.

2. "Holding tank" means a tank used for the collection and storage of sewage.

B. Application

The provisions of this Regulation shall apply to:

(a) ships of 200 tons gross tonnage and above;

(b) ships of less than 200 tons gross tonnage which are certified to carry more than 10 persons;

(c) ships which do not have a measured gross tonnage and are certified to carry more than 10 persons.

C. Discharge of sewage

1. Subject to the provisions of paragraph D of this Regulation, the discharge of sewage into the sea is prohibited, except when:

(a) the ship is discharging comminuted and disinfected sewage using a system approved by the Administration at a distance of more than 4 nautical miles from the nearest land, or sewage which is not comminuted or disinfected at a distance of more than 12 nautical miles from the nearest land, provided that in any case the sewage that has been stored in holding tanks shall not be discharged instantaneously but at a moderate rate when the ship is en route and proceeding at not less than 4 knots; or

(b) the ship has in operation a sewage treatment plant which has been approved by the Administration, and

(i) the test results of the plant are laid down in a document carried by the ship;

(ii) additionally, the effluent shall not produce visible floating solids in, nor cause discolouration of the surrounding water.

2. When the sewage is mixed with wastes or wastewater having different discharge requirements, the more stringent requirements shall apply.

D. Exceptions

Paragraph C of this Regulation shall not apply to:

(a) the discharge of sewage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or

(b) the discharge of sewage resulting from damage to a ship or its equipment if all reasonable precautions have been taken before and after the occurrence of the damage for the purpose of prevention or minimizing the discharge.

E. Reception facilities

1. Each Contracting Party undertakes to ensure the provision of facilities at its ports and terminals of the Baltic Sea Area for the reception of sewage, without causing undue delay to ships, adequate to meet the needs of the ships using them.

2. To enable pipes of reception facilities to be connected with the ship's discharge pipeline, both lines shall be fitted with a standard discharge connection in accordance with the following table:

STANDARD DIMENSIONS OF FLANGES FOR DISCHARGE CONNECTIONS

Description	Dimension
Outside diameter	210 mm
Inner diameter	According to pipe outside diameter
Bolt circle diameter	170 mm
Slots in flange	4 holes 18 mm in diameter equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 18 mm
Flange thickness	16 mm
Bolts and nuts: quantity and diameter	4, each of 16 mm in diameter and of suitable length

The flange is designed to accept pipes up to a maximum internal diameter of 100 mm and shall be of steel or other equivalent material having a flat face. This flange, together with a suitable gasket, shall be suitable for a service pressure of 6 kg/cm.

For ships having a moulded depth of 5 metres and less, the inner diameter of the discharge connection may be 38 millimetres.

F. Surveys

1. Ships which are engaged in international voyages in the Baltic Sea Area shall be subject to surveys as specified below:

(a) An initial survey before the ship is put into service or before the Certificate required under paragraph G of this Regulation is issued for the first time including a survey of the ship which shall be such as to ensure that:

(i) when the ship is equipped with a sewage treatment plant the plant shall meet operational requirements based on the standards and test methods recommended by the Commission and shall be approved by the Administration;

(ii) when the ship is fitted with a system to comminute and disinfect the sewage, such system shall meet operational requirements based on the standards and test methods recommended by the Commission and shall be approved by the Administration;

(iii) when the ship is equipped with a holding tank the capacity of such tank shall be to the satisfaction of the Administration for the retention of all sewage, having regard to the operation of the ship, the number of persons on board and other relevant factors. The holding tank shall meet operational requirements based on the standards and test methods recommended by the Commission and shall be approved by the Administration; and

(iv) the ship is equipped with a pipeline to discharge sewage to a reception facility. The pipeline should be fitted with a standard shore connection in accordance with paragraph E, or for ships in dedicated trades, alternatively with other standards which can be accepted by the Administration such as quick connection couplings.

This survey shall be such as to ensure that equipment, fittings, arrangements and materials fully comply with the applicable requirements of this Regulation.

The Administration shall recognize the "Certificate of Type Test" for sewage treatment plants issued under the authority of other Contracting Parties.

(b) Periodical surveys at intervals specified by the Administration but not exceeding five years which shall be such as to ensure that the equipment, fittings, arrangements and materials fully comply with the applicable requirements of this Regulation.

2. Surveys of the ship as regards enforcement of the provisions of this Regulation shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it. In every case the Administration concerned fully guarantees the completeness and efficiency of the surveys.

3. After any survey of the ship has been completed, no significant change shall be made in the equipment, fittings, arrangements, or material covered by the survey without the approval of the Administration, except the direct replacement of such equipment or fittings.

G. Certificate

1. A Sewage Pollution Prevention Certificate shall be issued to ships certified to carry more than 50 persons which are engaged in international voyages in the Baltic Sea Area, after survey in accordance with the provisions of paragraph F of this Regulation.

2. Such Certificate shall be issued either by the Administration or by any person or organization duly authorized by it. In every case the Administration assumes full responsibility for the Certificate.

3. The Sewage Prevention Certificate shall be drawn up in a form corresponding to the model given in the appendix to Annex IV of MARPOL 73/78. If the language is not English, the text shall not exceed five years.

5. A Certificate shall cease to be valid if significant alterations have taken place in the equipment, fittings, arrangements or materials required without the approval of the Administration, except the direct replacement of such equipment or fittings.

ANNEX V

Exemptions from the general prohibition of dumping of waste and other matter in the Baltic Sea Area

Regulation 1

In accordance with article 11, paragraph 2, of this Convention the prohibition of dumping shall not apply to the disposal at sea of dredged materials provided that:

(a) the dumping of dredged material containing harmful substances indicated in Annex I is only permitted according to the guidelines adopted by the Commission; and

(b) the dumping is carried out under a prior special permit issued by the appropriate national authority, either

(i) within the area of internal waters and the territorial sea of the Contracting Party; or

(ii) outside the area of internal waters and the territorial sea, whenever necessary, after prior consultations in the Commission.

When issuing such permits the Contracting Party shall comply with the provisions in Regulation 3 of this Annex.

Regulation 2

1. The appropriate national authority referred to in article 11, paragraph 2, of this Convention shall:

(a) issue the special permits provided for in Regulation 1 of this Annex;

(b) keep records of the nature and quantities of matter permitted to be dumped and the location, time and method of dumping;

(c) collect available information concerning the nature and quantities of matter that has been dumped in the Baltic Sea Area recently and up to the coming into force of this Convention, provided that the dumped matter in question could be liable to contaminate water or organisms in the Baltic Sea Area, to be caught by fishing equipment, or otherwise to give rise to harm, and information concerning the location, time and method of such dumping.

2. The appropriate national authority shall issue special permits in accordance with Regulation 1 of this Annex in respect of matter intended for dumping in the Baltic Sea Area:

(a) loaded in its territory;

(b) loaded by a ship or aircraft registered in its territory or flying its flag, when the loading occurs in the territory of a State which is not a Contracting Party to this Convention.

3. Each Contracting Party shall report to the Commission, and where appropriate to other Contracting Parties, the information specified in subparagraph 1 (c) of Regulation 2 of this Annex. The procedure to be followed and the nature of such reports shall be determined by the Commission.

Regulation 3

When issuing special permits according to Regulation 1 of this Annex the appropriate national authority shall take into account:

(a) the quantity of dredged material to be dumped;

(b) the content of harmful substances as referred to in Annex I;

(c) the location (e.g. coordinates of the dumping area, depth and distance from the coast and its relation to areas of special interest (e.g. amenity areas, spawning, nursery and fishing areas, etc.);

(d) the water characteristics, if dumping is carried out outside the territorial sea, consisting of:

- (i) hydrographic properties (e.g. temperature, salinity, density, profile);
- (ii) chemical properties (e.g. pH, dissolved oxygen, nutrients);
- (iii) biological properties (e.g. primary production and benthic animals);

the data should include sufficient information on the annual mean levels and seasonal variation of the properties mentioned in this paragraph; and

(e) the existence and effects of other dumping which may have been carried out in the dumping area.

Regulation 4

Reports made in accordance with article 11, paragraph 5, of this Convention shall include the information to be provided in the Reporting Form to be determined by the Commission.

ANNEX VI

Prevention of pollution from offshore activities

Regulation 1; Definitions

For the purposes of this Annex:

1. "Offshore activity" means any exploration and exploitation of oil and gas by a fixed or floating offshore installation or structure, including all associated activities thereon;

2. "Offshore unit" means any fixed or floating offshore installation or structure engaged in gas or oil exploration, exploitation or production activities, or loading or unloading of oil;

3. "Exploration" includes any drilling activity but not seismic investigations;

4. "Exploitation" includes any production, well testing or stimulation activity.

Regulation 2; Use of Best Available Technology and Best Environmental Practice

The Contracting Parties undertake to prevent and eliminate pollution from offshore activities by using the principles of Best Available Technology and Best Environmental Practice as defined in Annex II.

Regulation 3; Environmental impact assessment and monitoring

1. An environmental impact assessment shall be made before an offshore activity is permitted to start. In case of exploitation referred to in Regulation 5 the outcome of this assessment shall be notified to the Commission before the offshore activity is permitted to start.

2. In connection with the environmental impact assessment, the environmental sensitivity of the sea area around a proposed offshore unit should be assessed with respect to the following:

(a) the importance of the area for birds and marine mammals;

(b) the importance of the area as fishing or spawning grounds for fish and shellfish, and for aquaculture;

(c) the recreational importance of the area;

(d) the composition of the sediment measured as: grain size distribution, dry matter, ignition loss, total hydrocarbon content, and Ba, Cr, Pb, Cu, Hg and Cd content;

(e) the abundance and diversity of benthic fauna and the content of selected aliphatic and aromatic hydrocarbons.

3. In order to monitor the consequent effects of the exploration phase of the offshore activity studies, at least those referred to in subparagraphs (d) and (e) above shall be carried out before the operation, at annual intervals during the operation, and after the operation has been concluded.

Regulation 4; Discharges on the exploration phase

1. The use of oil-based drilling mud or muds containing other harmful substances shall be restricted to cases where it is necessary for geological, technical or safety reasons and only after prior authorization by the appropriate national authority. In such cases appropriate measures shall be taken and appropriate installations provided in order to prevent the discharge of such muds into the marine environment.

2. Oil-based drilling muds and cuttings arising from the use of oil-based drilling muds should not be discharged in the Baltic Sea Area but taken ashore for final treatment or disposal in an environmentally acceptable manner.

3. The discharge of water-based mud and cuttings shall be subject to authorization by the appropriate national authority. Before authorization the content of the water-based mud must be proven to be of low toxicity.

4. The discharge of cuttings arising from the use of water-based drilling mud shall not be permitted in specifically sensitive parts of the Baltic Sea Area such as confined or shallow areas with limited water exchange and areas characterized by rare, valuable or particularly fragile ecosystems.

Regulation 5; Discharges on the exploitation phase

In addition to the provisions of Annex IV the following provisions shall apply to discharges:

(a) All chemicals and materials shall be taken ashore and may be discharged only exceptionally after obtaining permission from the appropriate national authority in each individual operation;

(b) The discharge of production water and displacement water is prohibited unless its oil content is proven to be less than 15 mg/I measured by the methods of analysis and sampling to be adopted by the Commission;

(c) If compliance with this limit value cannot be achieved by the use of Best Environmental Practice and Best Available Technology the appropriate national authority may require adequate additional measures to prevent possible pollution of the marine environment of the Baltic Sea Area and allow, if necessary, a higher limit value which shall, however, be as low as possible and in no case exceed 40 mg/I; the oil content shall be measured as provided in subparagraph (b) above.

(d) The permitted discharge shall not, in any case, create any unacceptable effects on the marine environment;

(e) In order to benefit from the future developments in cleaning and production technology, discharge permits shall be regularly reviewed by the appropriate national authority and the discharge limits shall be revised accordingly.

Regulation 6; Reporting procedure

Each Contracting Party shall require that the operator or any other person having charge of the offshore unit shall report in accordance with the provisions of Regulation 5.1 of Annex VII of this Convention.

Regulation 7; Contingency planning

Each offshore unit shall have a pollution emergency plan approved in accordance with the procedure established by the appropriate national authority. The plan shall contain information on alarm and communication systems, organization of response measures, a list of pre-positioned equipment and a description of the measures to be taken in different types of pollution incidents.

Regulation 8; Disused offshore units

The Contracting Parties shall ensure that abandoned, disused offshore units and accidentally wrecked offshore units are entirely removed and brought ashore under the responsibility of the owner and that disused drilling wells are plugged.

Regulation 9; Exchange of information

The Contracting Parties shall continuously exchange information through the Commission on the location and nature of all planned or accomplished offshore activities and on the nature and amounts of discharges as well as on contingency measures that are undertaken.

ANNEX VII

Response to pollution incidents

Regulation 1; General provisions

1. The Contracting Parties undertake to maintain the ability to respond to pollution incidents threatening the marine environment of the Baltic Sea Area. This ability shall include adequate equipment, ships and manpower prepared for operations in coastal waters as well as on the high sea.

2. (a) In addition to the incidents referred to in article 13, the Contracting Party shall also notify without delay those pollution incidents occurring within its response region which affect or are likely to affect the interests of other Contracting Parties.

(b) In the event of a significant pollution incident other Contracting Parties and the Commission shall also be informed as soon as possible.

3. The Contracting Parties agree that, subject to their capabilities and the availability of relevant resources, they shall cooperate in responding to pollution incidents when the severity of such incidents so justifies.

4. In addition the Contracting Parties shall take other measures to:

(a) conduct regular surveillance outside their coastlines; and

(b) otherwise cooperate and exchange information with other Contracting Parties in order to improve the ability to respond to pollution incidents.

Regulation 2; Contingency planning

Each Contracting Party shall draw up a national contingency plan and in cooperation with other Contracting Parties, as appropriate, bilateral or multilateral plans for a joint response to pollution incidents.

Regulation 3; Surveillance

1. In order to prevent violations of the existing regulations on prevention of pollution from ships the Contracting Parties shall develop and apply individually or in cooperation, surveillance activities covering the Baltic Sea Area in order to spot and monitor oil and other substances released into the sea.

2. The Contracting Parties shall undertake appropriate measures to conduct the surveillance referred to in paragraph 1 by using, inter alia, airborne surveillance equipped with remote sensing systems.

Regulation 4; Response regions

The Contracting Parties shall as soon as possible agree bilaterally or multilaterally on those regions of the Baltic Sea Area in which they shall conduct surveillance activities and take action to respond whenever a significant pollution incident has occurred or is likely to occur. Such agreements shall not prejudice any other agreements concluded between Contracting Parties concerning the same subject. Neighbouring States shall ensure the harmonization of different agreements. Contracting Parties shall inform other Contracting Parties and the Commission about such agreements.

Regulation 5; Reporting procedure

1. (a) Each Contracting Party shall require masters or other persons having charge of ships flying its flag to report without delay any event on their ship involving a discharge or probable discharge of oil or other harmful substances.

(b) The report shall be made to the nearest coastal State and in accordance with the provisions of article 8 and Protocol I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 related thereto (MARPOL 73/78).

(c) The Contracting Parties shall request masters or other persons having charge of ships and pilots of aircraft to report without delay and in accordance with this system on significant spillages of oil or other harmful substances observed at sea. Such reports should as far as possible contain the following data: time, position, wind and sea conditions, and kind, extent and probable source of the spill observed.

2. The provisions of paragraph 1 (b) shall also be applied with regard to dumping made under the provisions of Article 11, paragraph 4, of this Convention.

Regulation 6; Emergency measures on board ships

1. Each Contracting Party shall require that ships entitled to fly its flag have on board a shipboard oil pollution emergency plan as required by and in accordance with the provisions of MARPOL 73/78.

2. Each Contracting Party shall request masters of ships flying its flag or, in case of fixed or floating platforms operating under its jurisdiction, the persons having charge of platforms to provide, in case of a pollution incident and on request by the proper authorities, such detailed information about the ship and its cargo or in case of platform its production which is relevant to actions for preventing or responding to pollution of the sea, and to cooperate with these authorities.

Regulation 7; Response measures

1. The Contracting Party shall, when a pollution incident occurs in its response region, make the necessary assessments of the situation and take adequate response action in order to avoid or minimize subsequent pollution effects.

2. (a) The Contracting Parties shall, subject to subparagraph (b), use mechanical means to respond to pollution incidents.

(b) Chemical agents may be used only in exceptional cases and after authorization, in each individual case, by the appropriate national authority.

3. When such a spillage is drifting or is likely to drift into a response region of another Contracting Party, that Party shall without delay be informed of the situation and the actions that have been taken.

Regulation 8; Assistance

1. According to the provisions of paragraph 3 of Regulation I:

(a) a Contracting Party is entitled to call for assistance by other Contracting Parties when responding to a pollution incident at sea; and

(b) Contracting Parties shall use their best endeavours to bring such assistance.

2. Contracting Parties shall take necessary legal or administrative measures to facilitate:

(a) the arrival and utilization in and departure from its territory of ships, aircraft and other modes of transport engaged in responding to a pollution incident or transporting personnel, cargoes, materials and equipment required to deal with such an incident; and

(b) the expeditious movement into, through and out of its territory of personnel, cargoes, materials and equipment referred to in subparagraph (a).

Regulation 9; Reimbursement of cost of assistance

1. The Contracting Parties shall bear the costs of assistance referred to in Regulation 8 in accordance with this Regulation.

2. (a) If the action was taken by one Contracting Party at the express request of another Contracting Party, the requesting Party shall reimburse to the assisting Party the costs of the action of the assisting Party. If the request is cancelled the requesting Party shall bear the costs already incurred or committed by the assisting Party.

(b) If the action was taken by a Contracting Party on its own initiative, this Party shall bear the costs of its action.

(c) The principles laid down above in subparagraphs (a) and (b) shall apply unless the Parties concerned otherwise agree in any individual case.

3. Unless otherwise agreed, the costs of the action taken by a Contracting Party at the request of another Party shall be fairly calculated according to the law and current practice of the assisting Party concerning the reimbursement of such costs.

4. The provisions of this regulation shall not be interpreted as in any way prejudicing the rights of Contracting Parties to recover from third parties the costs of actions taken to deal with pollution incidents under other applicable provisions and rules of international law and national or supra-national regulations.

Regulation 10; Regular cooperation

1. Each Contracting Party shall provide information to the other Contracting Parties and the Commission about:

(a) its organization for dealing with spillages at sea of oil and other harmful substances;

(b) its regulations and other matters which have a direct bearing on preparedness and response to pollution at sea by oil and other harmful substances;

(c) the competent authority responsible for receiving and dispatching reports of pollution at sea by oil and other harmful substances;

(d) the competent authorities for dealing with questions concerning measures for mutual assistance, information and cooperation between the Contracting Parties according to this Annex; and

(e) actions taken in accordance with Regulations 7 and 8 of this Annex.

2. The Contracting Parties shall exchange information on research and development programmes, results concerning ways in which pollution by oil and other harmful substances at sea may be dealt with and experiences in surveillance activities and in responding to such pollution.

3. The Contracting Parties shall on a regular basis arrange joint operational combating exercises as well as alarm exercises.

4. The Contracting Parties shall cooperate within the International Maritime Organization in matters concerning the implementation and further development of the International Convention on Oil Pollution Preparedness, Response and Cooperation.

Regulation 11; HELCOM Combating manual

The Contracting Parties agree to apply, as far as practicable, the principles and rules included in the Manual on Cooperation in Combating Marine Pollution, detailing this Annex and adopted by the Commission or by the Committee designated by the Commission for this purpose.

III. OTHER INFORMATION

A. Case concerning the delimitation of maritime areas between Canada and the French Republic

Technical report to the Court by Commander P.B. Beazley

Excerpts from the Award rendered on 10 June 1992 by the Court of Arbitration for the delimitation of maritime areas between Canada and France

1. The full description of the line of delimitation, together with the necessary geographical coordinates, is given in the Decision, and is not included in this report. All computations have been made on the ellipsoid using North American Datum (NAD) (1983) (see Canadian Memorial, p. 14, n 13), the associated ellipsoid being that of the Geodetic Reference System (1980). The international nautical mile of 1852 metres has been used.

2. Positions of the relevant basepoints have been taken from Canadian charts as indicated in the table at paragraph 4 below. As the submissions of the Parties have expressed all coordinates to 0.1 arc seconds (see Canadian Counter Memorial, pp. 251 and 252; French Memorial, p. 286) I have done the same.

3. The coordinates listed in the Agreement of 27 March 1972 are given approximately and are expressed only to the nearest arc second. Although the Canadian Counter Memorial at p. 251 has applied datum corrections to the quoted coordinates, the French Memorial does not assign coordinates to either Point 1 or Point 9. Further, Point 1, as described in the Agreement and corrected for datum change, does not lie exactly on a 12-mile arc centred on L'Enfant Perdu. It may be assumed, therefore, that had the coordinates been given to the nearest 0.1 arc second they would have been slightly different. The data is not available to determine the exact coordinates of those points as agreed in 1972, and the Court has not been asked to undertake the task.

4. The French Memorial (p. 286) lists the coordinates of an equidistant line. The controlling basepoints are named but their coordinates are not given. The Canadian Counter Memorial (p. 252) gives coordinates for most of the basepoints that they have used for the French islands, but comparison with the French equidistant coordinates shows that the coordinates used were not identical to those used by France. This is only to be expected from the scales of the charts even if the features used were the same. I have determined my own values for the coordinates of the basepoints for the French islands as defined in the Decision, although they differ only slightly from those used by Canada. The NAD 83 values used for the various basepoints which affect the delimitation, and their sources, are as follows:

Name	Latitude North			Longitude West			Source
	°	′	″	°	′	″	
Watch Rock	47	23	09.1	56	50	02.3	See para. 69 of Decision.
Lord Island	47	22	30.1	56	58	55.3	
Pte. à l'Abbé	47	07	32.9	56	23	30.1	)
Veaux Marins	47	02	09.9	56	31	02.8	) Canadian Chart
Pte. Plate (extreme W)	46	49	16.5	56	24	19.2	) 4626
Pte. Plate (extreme SW)	46	49	14.5	56	24	17.4	)
Cap Bleu	46	47	36.5	56	22	21.3	)
Pte. du Ouest (islet SW)	46	46	58.7	56	21	00.9	)
Drying rock SW of Pte. du Diamant	46	44	55.2	56	13	41.6	)
Islet off Tête du Petit Havre	46	45	14.3	56	10	30.3	
Ile aux Chasseurs	46	45	41.5	56	09	15.5	Canadian Chart
L'Enfant Perdu	46	47	03.7	56	06	45.4	) 4643
Cap Noir	46	46	03.2	56	08	59.6	))

5. The corrections to be applied to the charted coordinates to place them on NAD 83 were obtained from information supplied by the Agent for Canada under cover of his letter to the Registrar dated 2 July 1991. This information indicates, inter alia, that the corrections to be applied to the large scale Canadian chart 4633, which charts the Canadian basepoints, are various and large, and that the smaller scale (1/350,000) chart 4015 should be used. Information supplied by Mr. David H. Gray, of the Canadian Hydrographic Service, is that the coordinates for the relevant Canadian basepoints listed in the Territorial Sea and Fishing Zones Geographical Coordinates Order were taken off this smaller scale chart. Having checked those coordinates, I have applied the appropriate corrections to them for chart 4015, which are +0.″1 in latitude and -2.″7 in longitude (minus representing a decrease in westerly longitude).

6. The corrections to be applied to both charts 4626 and 4643 were -0.″1 in latitude and -2.″9 in longitude.

7. The controlling base points for the turning or intersection points along the line of delimitation are listed below:

Turning point	Basepoints
A	C1, F1
B	C1, F1, F2
C	C1, C2, F2
D	C2, F2
E	F2, F3
F	F3, F4
G	F4, F5
H	F5, F6
I	F6, F7
J, M, and N	F7
Q	F8
R	F8, F9
S	F9, F10

8. The western and eastern limits of the southward projection described at paragraph 71 of the Decision are determined by Pointe Plate (F3) and Cap Noir (FE).

These give: Mean latitude 46° 47′ 39.″9N.
Mean longitude 56° 16′ 39.″4W.